

# Archived Information

U.S. DEPARTMENT OF EDUCATION  
OFFICE OF INNOVATION & IMPROVEMENT  
WASHINGTON, D.C. 20202

## **FY 2004 APPLICATION FOR GRANTS UNDER THE MAGNET SCHOOLS ASSISTANCE PROGRAM**

**CFDA Number: 84.165A**

**FORM APPROVED  
OMB No. 1855-0011, EXP. DATE 01/31/2007**



**DATED MATERIAL - OPEN IMMEDIATELY**

**Closing Date: March 15, 2004**

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# **SECTION A**

## **LEGAL AND REGULATORY DOCUMENTS**

- Application Notice
- MSAP Regulations with No Child Left Behind Changes Incorporated
- Technical Amendments to 34 CFR Part 280, published February 2, 2004
- Magnet Schools Assistance Program Statute—Title V, Part C of the No Child Left Behind Act

DEPARTMENT OF EDUCATION

Office of Innovation and Improvement

Overview Information

Magnet Schools Assistance Program

Notice inviting applications for new awards for fiscal year (FY) 2004.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.165A

Dates:

Applications Available: February 2, 2004

Deadline for Transmittal of Applications: March 15, 2004

Deadline for Intergovernmental Review: May 14, 2004

Eligible Applicants: Local educational agencies (LEAs) or consortia of LEAs.

Estimated Available Funds: Although the Congress has not enacted a final appropriation for FY 2004, the Department is inviting applications for this competition now so that it may be prepared to make awards following final action on the Department's appropriations bill. Based on the congressional action to date, we estimate that \$103,750,000 will be available for new awards under this competition. The actual level of funding depends on final congressional action.

Estimated Range of Awards: \$250,000 - \$3,500,000 per year.

Estimated Average Size of Awards: \$2,075,000 per year.

Maximum Award: We will reject any application that proposes a budget exceeding \$4,000,000 for a single budget period of 12 months. The Deputy Under Secretary for Innovation and Improvement may change the maximum amount through a notice published in the Federal Register.

Estimated Number of Awards: 50.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 36 months.

FULL TEXT OF ANNOUNCEMENT

I. Funding Opportunity Description

Purpose of Program: The Magnet Schools Assistance Program (MSAP) provides grants to eligible LEAs and consortia of LEAs to support magnet schools that are part of an approved desegregation plan. Through the implementation of magnet schools, these program resources can be used in pursuit of the objectives of the ESEA, as reauthorized by the No Child Left Behind Act of 2001 (NCLB), which enables all elementary and secondary students to achieve to high standards and holds schools, LEAs, and States accountable for ensuring that they do so. In particular, the MSAP provides an opportunity for eligible entities to focus on expanding their capacity to provide public school choice to students who attend schools identified for improvement, corrective action, or restructuring under Title I, Part A of the ESEA (Title I).

Priorities: This competition includes three competitive priorities taken from the regulations for this program, an additional competitive priority under the General Education Provisions Act, and an invitational priority. These priorities are as follows:

In accordance with 34 CFR 75.105(b)(2)(ii), the following three priorities are from the regulations for this program (34 CFR 280.32(b)-(d)).

Competitive Preference Priorities: For FY 2004 these priorities are competitive preference priorities. Under 34 CFR 75.105(c)(2)(i) we award up to an additional 30 points to an application, depending on how well the application meets these priorities.

These priorities are:

Need for assistance (up to 10 additional points). The Secretary evaluates the applicant's need for assistance under this part, by considering--

- (a) The costs of fully implementing the magnet schools project as proposed;
- (b) The resources available to the applicant to carry out the project if funds under the program were not provided;
- (c) The extent to which the costs of the project exceed the applicant's resources; and
- (d) The difficulty of effectively carrying out the approved plan and the project for which assistance is sought, including consideration of how the design of the magnet schools

project--e.g., the type of program proposed, the location of the magnet school within the LEA--impacts on the applicant's ability to successfully carry out the approved plan.

New or revised magnet schools projects (up to 10 additional points). The Secretary determines the extent to which the applicant proposes to carry out new magnet schools projects or significantly revise existing magnet schools projects.

Selection of students (up to 10 additional points). The Secretary determines the extent to which the applicant proposes to select students to attend magnet schools by methods such as lottery, rather than through academic examination.

We are establishing the following priority for the FY 2004 grant competition only, in accordance with section 437(d)(1) of the General Education Provisions Act (GEPA).

Competitive Preference Priority: For FY 2004 this priority is a competitive preference priority. Under 34 CFR 75.105(c)(2)(i) we award up to an additional 10 points to an application, depending on how well the application meets this priority.

We establish this priority to provide eligible LEAs with an opportunity to use magnet schools to expand their capacity to provide public school choice to parents whose children attend schools that have not made adequate yearly progress (as that term is defined in ESEA, Title I, section 1111(b)(2)) for at least two consecutive years.

This priority is:

Expanding capacity to provide choice. The extent to which the applicant proposes to help parents whose children attend low-performing schools (that is, schools that have been identified for school improvement, corrective action, or restructuring under Title I) by--

(a) Selecting schools identified for school improvement, corrective action, or restructuring under Title I as magnet schools to be funded under this project and improving the quality of teaching and instruction in these schools;

(b) Maximizing the opportunity for students in low-performing schools to attend higher-performing magnet schools funded under the project and reducing minority group isolation in the low-performing sending schools; or

(c) Effectively informing parents whose children attend low-performing schools about choices that are available to them in the magnet schools to be funded under the project. Under this competition we are also particularly interested in applications that address the following priority.

Invitational Priority: For FY 2004 this priority is an invitational priority. Under 34 CFR 75.105(c)(1) we do not give an application that meets this invitational priority a competitive or absolute preference over other applications.

This priority is:

Implementation of a rigorous evaluation to assess the effectiveness of particular interventions that are included in the project. The Secretary intends that this priority will allow program participants and the Department to determine whether the interventions identified for this rigorous evaluation produce meaningful effects on student achievement or teacher performance, as appropriate.

Evaluation methods using an experimental design are best for determining the effectiveness of the identified intervention(s). Thus, a project that addresses this invitational priority would use an experimental design under which participants--that is, students, teachers, classrooms, or schools--are randomly assigned (a) to participate in the project activities being evaluated or (b) to a control group that does not participate in the project activities being evaluated.

If random assignment is not feasible, a project that addresses this invitational priority would use a quasi-experimental design with carefully matched comparison conditions. This alternative design attempts to approximate a randomly assigned control group by matching participants--that is, students, teachers, classrooms or schools--with non-participants having similar pre-program characteristics.

Proposed evaluation strategies that use neither experimental designs with random assignment nor quasi-experimental designs using a matched comparison group would not be responsive to this priority.

To be responsive to the invitational priority, the project evaluator would collect—before the project commences and after it ends—valid and reliable data that measure the impact of participation in the program or in the comparison group.

In determining the appropriateness of the proposed rigorous evaluation under the invitational priority, we will consider the extent to which the applicant presents a feasible, credible plan that includes the following:

- (1) A clear description of the magnet school(s) and magnet school activities to be evaluated.
- (2) The type of design to be used (that is, random assignment or matched comparison).
- (3) The outcome(s) to be measured.
- (4) A discussion of how the applicant plans to assign students, teachers, classrooms, or schools (as appropriate) to the project and control group or match them for comparison with other students, teachers, classrooms, or schools.
- (5) A proposed evaluator, preferably independent, with the necessary background and technical expertise to carry out the proposed evaluation.
- (6) Clearly identified costs that are directly allocable to the implementation of the rigorous evaluation proposed in response to this invitational priority.

Waiver of Proposed Rulemaking: Under the Administrative Procedure Act (5 U.S.C. 553), the Department generally offers interested parties the opportunity to comment on proposed priorities. Ordinarily, this practice would have applied to the competitive preference priority for expanding capacity to provide choice. Section 437(d)(1) of the General Education Provisions Act (20 U.S.C. 1232(d)(1)), however, allows the Secretary to exempt from rulemaking requirements rules governing the first grant competition under a new or substantially revised program authority. This is the first Magnet Schools Assistance program grant competition under the ESEA, as amended by the NCLB, and therefore qualifies for this exemption. In order to ensure timely grant awards, the Secretary has decided to forego public comment on the proposed competitive preference priority for expanding capacity to provide choice under section 437(d)(1). This competitive preference priority will apply to the FY 2004 grant competition only.

Program Authority: 20 U.S.C. 7231-7231j.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 75, 77, 79, 80, 81, 82, 84, 85, 86, 97, 98, and 99. (b) The regulations for this program in 34 CFR part 280.

## II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: Although the Congress has not enacted a final appropriation for FY 2004, the Department is inviting applications for this competition now so that it may be prepared to make awards following final action on the Department's appropriations bill. Based on the congressional action to date, we estimate that \$103,750,000 will be available for new awards under this competition. The actual level of funding depends on final congressional action.

Estimated Range of Awards: \$250,000 - \$3,500,000 per year.

Estimated Average Size of Awards: \$2,075,000 per year.

Maximum Award: We will reject any application that proposes a budget exceeding \$4,000,000 for a single budget period of 12 months. The Deputy Under Secretary for Innovation and Improvement may change the maximum amount through a notice published in the Federal Register.

Estimated Number of Awards: 50.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 36 months.

### III. Eligibility Information

1. Eligible Applicants: LEAs or consortia of LEAs.
2. Cost Sharing or Matching: This program does not involve cost sharing or matching.
3. Other: Applicants must submit with their applications one of the following types of plans to establish eligibility to receive MSAP assistance: (a) a desegregation plan required by a court order; (b) a plan required by a State agency or an official of competent jurisdiction; (c) a plan required by the Office for Civil Rights (OCR), United States Department of Education (ED), under Title VI of the Civil Rights Act of 1964 (Title VI plan); or (d) a voluntary plan adopted by the applicant and submitted to us for approval as part of the application.

Under the MSAP regulations, applicants are required to provide all of the information required at 34 CFR 280.20(a)-(g) in order to satisfy the civil rights eligibility requirements found in 34 CFR 280.2(a)(2) and (b).

In addition to the particular data and other items for required and voluntary plans described in the application package, an application must include--

- Signed civil rights assurances (included in the application package);
- A copy of the applicant's plan; and
- An assurance that the plan is being implemented or will be implemented if the

application is funded.

#### Required Plans

1. Plans required by a court order. An applicant that submits a plan required by a court order must submit complete and signed copies of all court or State documents demonstrating that the magnet schools are a part of the approved plan. Examples of the types of documents that would meet this requirement include--

- A Federal or State court order that establishes or amends a previous order or orders by establishing additional or different specific magnet schools;
- A Federal or State court order that requires or approves the establishment of one or more unspecified magnet schools or that authorizes the inclusion of magnet schools at the discretion of the applicant.

2. Plans required by a State agency or official of competent jurisdiction. An applicant submitting a plan ordered by a State agency or official of competent jurisdiction must provide documentation that shows that the plan was ordered based upon a determination that State law was violated. In the absence of this documentation, the applicant should consider its plan to be a voluntary plan and submit the data and information necessary for voluntary plans.

3. Title VI required plans. An applicant that submits a plan required by OCR under Title VI must submit a complete copy of the plan demonstrating that magnet schools are part of the approved plan.

4. Modifications to required plans. A previously approved desegregation plan that does not include the magnet school or program for which the applicant is now seeking assistance must be modified to include the magnet school component. The modification to the plan must be approved by the court, agency, or official that originally approved the plan. An applicant that wishes to modify a previously approved OCR Title VI plan to include different or additional magnet schools must submit the proposed modification for review and approval to the OCR Regional Office that approved its original plan.

An applicant should indicate in its application if it is seeking to modify its previously approved plan. However, all applicants must submit proof of approval of all modifications to their plans to ED by April 12, 2004. Proof of plan modifications should be mailed to the person and address identified in FOR FURTHER INFORMATION CONTACT elsewhere in this notice.

**Voluntary Plans**  
A voluntary plan must be approved by ED each time an application is submitted for funding. Even if ED has approved a voluntary plan in an LEA in the past, the plan must be resubmitted for approval as part of the application.

The enrollment and other information as required by the regulations at §280.20(f) and (g) for applicants with voluntary plans (specific requirements are detailed in the application package) are critical to our determination of an applicant's eligibility under a voluntary plan. **Narrow Tailoring.** The purposes of the MSAP include the reduction, elimination or prevention of minority group isolation. In the past grant cycle, all districts submitting voluntary plans were able to achieve this purpose using race-neutral admissions practices. If a district proposes to use race in its voluntary plan, it must provide a justification for why race-neutral approaches would not prove effective. It must also demonstrate that its plan is adequate under Title VI. In order for a voluntary plan involving a racial classification to be adequate under Title VI, the plan must be narrowly tailored to accomplish the objective of reducing, eliminating, or preventing minority group isolation.

#### IV. Application and Submission Information

1. Address to Request Application Package: Steven L. Brockhouse, U.S. Department of Education, 400 Maryland Avenue, SW., room 3E122, Washington, DC 20202-5961. Telephone: (202) 260-2476 or by e-mail: [steve.brockhouse@ed.gov](mailto:steve.brockhouse@ed.gov)

You may also obtain an application package via Internet. To obtain a copy via Internet use the following address: <http://www.ed.gov/fund/grant/apply/grantapps/index.html>.

If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1-800-877-8339.

Individuals with disabilities may obtain a copy of the application package in an alternative format (e.g., Braille, large print, audiotope, or computer diskette) by contacting the program contact person listed in this section.

2. Content and Form of Application Submission: Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this program.



**Page Limit:** The application narrative (Part III of the application) is where you, the applicant, address the selection criteria and competitive preference priorities that reviewers use to evaluate your application. You must limit Part III to the equivalent of no more than 250 pages, using the following standards:

- A "page" is 8.5" x 11", on one side only, with 1" margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.
- Use a font that is either 12-point or larger or no smaller than 10 pitch (characters per inch).

The page limit does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; Part V, the desegregation plan and related information; or the one-page abstract, the resumes, or letters of support. However, you must include all of the application narrative in Part III.

Our reviewers will not read any pages of your application that--

- Exceed the page limit if you apply these standards; or
- Exceed the equivalent of the page limit if you apply other standards.

### 3. Submission Dates and Times:

Applications Available: February 2, 2004

Deadline for Transmittal of Applications: March 15, 2004

The dates and times for the transmittal of applications by mail or by hand (including a courier service or commercial carrier) are in the application package for this program.

We do not consider an application that does not comply with the deadline requirements.

Deadline for Intergovernmental Review: May 14, 2004

4. Intergovernmental Review: This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this program.

5. Funding Restrictions: We specify unallowable costs in 34 CFR 280.41. We reference regulations outlining funding restrictions in the Applicable Regulations section of this notice.

6. Other Submission Requirements: Instructions and requirements for the transmittal of applications by mail or by hand (including a courier service or commercial carrier) are in the application package for this program.

## V. APPLICATION REVIEW INFORMATION

1. Selection Criteria: The selection criteria for this program are from 34 CFR 280.31 and are as follows:

(a) Plan of operation. (25 points)

(1) The Secretary reviews each application to determine the quality of the plan of operation for the project.

(2) The Secretary determines the extent to which the applicant demonstrates--

(i) The effectiveness of its management plan to ensure proper and efficient administration of the project;

(ii) The effectiveness of its plan to attain specific outcomes that--

(A) Will accomplish the purposes of the program;

(B) Are attainable within the project period;

(C) Are measurable and quantifiable; and

(D) For multi-year projects, can be used to determine the project's progress in meeting its intended outcomes;

(iii) The effectiveness of its plan for utilizing its resources and personnel to achieve the objectives of the project, including how well it utilizes key personnel to complete tasks and achieve the objectives of the project;

(iv) How it will ensure equal access and treatment for eligible project participants who have been traditionally underrepresented in courses or activities offered as part of the magnet

school, e.g., women and girls in mathematics, science or technology courses, and disabled students; and

(v) The effectiveness of its plan to recruit students from different social, economic, ethnic, and racial backgrounds into the magnet schools.

(b) Quality of personnel. (10 points)

(1) The Secretary reviews each application to determine the qualifications of the personnel the applicant plans to use on the project.

(2) The Secretary determines the extent to which--

(i) The project director (if one is used) is qualified to manage the project;

(ii) Other key personnel are qualified to manage the project;

(iii) Teachers who will provide instruction in participating magnet schools are qualified to implement the special curriculum of the magnet schools; and

(iv) The applicant, as part of its nondiscriminatory employment practices will ensure that its personnel are selected for employment without regard to race, religion, color, national origin, sex, age, or disability.

(3) To determine personnel qualifications the Secretary considers experience and training in fields related to the objectives of the project, including the key personnel's knowledge of and experience in curriculum development and desegregation strategies.

(c) Quality of project design. (35 points)

(1) The Secretary reviews each application to determine the quality of the project design.

(2) The Secretary determines the extent to which each magnet school for which funding is sought will--

(i) Foster interaction among students of different social, economic, ethnic, and racial backgrounds in classroom activities, extracurricular activities, or other activities in the magnet schools (or, if appropriate, in the schools in which the magnet school programs operate);

(ii) Address the educational needs of the students who will be enrolled in the magnet schools;

(iii) Carry out a high quality educational program that will substantially strengthen students' reading skills or knowledge of mathematics, science, history, geography, English, foreign languages, art, music, or vocational skills;

(iv) Encourage greater parental decisionmaking and involvement; and

(v) Improve the racial balance of students in the applicant's schools by reducing, eliminating, or preventing minority group isolation in its schools.

(d) Budget and resources. (5 points) The Secretary reviews each application to determine the adequacy of the resources and the cost-effectiveness of the budget for the project, including--

(1) The adequacy of the facilities that the applicant plans to use;

(2) The adequacy of the equipment and supplies that the applicant plans to use; and

(3) The adequacy and reasonableness of the budget for the project in relation to the objectives of the project.

(e) Evaluation plan. (15 points) The Secretary determines the extent to which the evaluation plan for the project--

(1) Includes methods that are appropriate to the project;

(2) Will determine how successful the project is in meeting its intended outcomes, including its goals for desegregating its students and increasing student achievement; and

(3) Includes methods that are objective and that will produce data that are quantifiable.

(f) Commitment and capacity. (10 points)

(1) The Secretary reviews each application to determine whether the applicant is likely to continue the magnet school activities after assistance under the regulations is no longer available.

(2) The Secretary determines the extent to which the applicant--

(i) Is committed to the magnet schools project; and

(ii) Has identified other resources to continue support for the magnet school activities when assistance under this program is no longer available.

#### VI. Award Administration Information

1. Award Notices: If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN). We may also notify you informally.

If your application is not evaluated or not selected for funding, we notify you.

2. Administrative and National Policy Requirements: We identify administrative and national policy requirements in the application package and reference these and other requirements in the Applicable Regulations section of this notice.

We reference the regulations outlining the terms and conditions of an award in the Applicable Regulations section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. Reporting: At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as specified by the Secretary in 34 CFR 75.118, including information that documents the extent of success in addressing the performance measures described in the following paragraph.

4. Performance Measures: The Secretary has established two performance measures for assessing the effectiveness of the MSAP:

(a) The percentage of magnet schools whose student applicant pool reflects a racial and ethnic composition that, in relation to the total enrollment of the school, reduces, eliminates or prevents minority group isolation increases annually. The Secretary has set an overall performance target that calls for the percentage of magnet schools whose student applicant pool would have a beneficial effect on the reduction, prevention or elimination of minority group isolation in participating project schools to increase annually from a baseline established with magnet school applicant data from the first year of the project.

(b) The percentage of magnet schools whose students from major racial and ethnic groups meet or exceed their State's adequate yearly progress standard increases annually, in accordance with their State's plan required by section 1111 of the ESEA. The Secretary has set an overall performance target that calls for the percentage of magnet schools whose students meet or exceed the adequate yearly progress standard to increase annually from a baseline established by participating schools' performance in the school year prior to the beginning of the project.

#### VII. AGENCY CONTACT

For Further Information Contact: Steven L. Brockhouse, U.S. Department of Education, 400 Maryland Avenue, SW., room 3E122, Washington, DC 20202-5961. Telephone: (202) 260-2476 or by e-mail: [steve.brockhouse@ed.gov](mailto:steve.brockhouse@ed.gov)

If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1-800-877-8339.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotope, or computer diskette) on request to the program contact person listed in this section.

#### VIII. OTHER INFORMATION

Electronic Access to This Document: You may view this document, as well as all other documents of this Department published in the Federal Register, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: [www.ed.gov/news/fedregister](http://www.ed.gov/news/fedregister)

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1-888-293-6498; or in the Washington, DC, area at (202) 512-1530.

Note: The official version of this document is the document published in the Federal Register. Free Internet access to the official edition of the Federal Register and the Code of Federal Regulations is available on GPO Access at:  
[www.gpoaccess.gov/nara/index.html](http://www.gpoaccess.gov/nara/index.html)

Dated:

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Nina Shokraii Rees,  
Deputy Under Secretary for Innovation  
and Improvement.

# **Magnet Schools Assistance Program Regulations with NCLB Changes Incorporated**

## **Subpart A—General**

### **§ 280.1 What is the Magnet Schools Assistance Program?**

The Magnet Schools Assistance Program provides grants to eligible local educational agencies (LEAs) or consortia of LEAs for use in magnet schools that are part of an approved desegregation plan and that are designed to bring students from different social, economic, ethnic and racial backgrounds together. The purposes of the program are to support, through financial assistance to eligible LEAs or consortia of LEAs—

- (a) The elimination, reduction, or prevention of minority group isolation in elementary and secondary schools with substantial portions of minority students, which shall include assisting in the efforts of the United States to achieve voluntary desegregation in public schools;
  - (b) The development and implementation of magnet school projects that will assist LEAs in achieving systemic reforms and providing all students the opportunity to meet challenging State academic content standards and student academic achievement standards;
  - (c) The development and design of innovative educational methods and practices that promote diversity and increase choices in public elementary schools and public secondary schools and public educational programs; and
  - (d) Courses of instruction within magnet schools that will substantially strengthen the knowledge of academic subjects and the attainment of tangible and marketable vocational, technological and professional skills of students attending such schools;
  - (e) Improvement of the capacity of LEAs, including through professional development, to continue operating magnet schools at a high performance level after Federal funding for the magnet schools is terminated; and
  - (f) Ensuring that all students enrolled in the magnet school programs have equitable access to high quality education that will enable the students to succeed academically and continue with postsecondary education or productive employment.
- (Authority: 20 U.S.C. 7231)

### **§ 280.2 Who is eligible to apply for a grant?**

(a) An LEA or consortia of LEAs is eligible to receive assistance under this part if the LEA or consortia of LEAs meets any of the following requirements:

- (1) The LEA or consortia of LEAs is implementing a plan undertaken pursuant to a final order of a court of the United States, or a court of any State, or any other State agency or official of competent jurisdiction, and the order requires the desegregation of minority group segregated children or faculty in the elementary and secondary schools of that agency or those agencies.
  - (2) The LEA or consortia of LEAs adopted and is implementing on either a voluntary basis or as required under title VI of the Civil Rights Act of 1964—or will adopt and implement if assistance is made available under this part—a plan that has been approved by the Secretary as adequate under title VI.
- (b) The Secretary approves a voluntary plan under paragraph (a)(2) of this section only if he determines that for each magnet school for which funding is sought—
- (1) The magnet school will reduce, eliminate, or prevent minority group isolation within the period of the grant award, either in the magnet school or in a feeder school, as appropriate; and
  - (2) The establishment of the magnet school will not result in an increase of minority enrollment, at the magnet school or at any feeder school, above the districtwide percentage of minority group students in the LEA's schools at the grade levels served by that magnet school.

(Authority: 20 U.S.C. 7231c)

### **§ 280.3 What regulations apply to this program?**

The following regulations apply to the Magnet Schools Assistance Program:

(a) The Education Department General Administrative Regulations (EDGAR), 34 CFR parts 75 (Direct grant programs), 77 (Definitions apply to Department regulations), 79 (Intergovernmental Review of Department of Education programs and activities), 80 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments), and 85 (Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)).

(b) The regulations in this part.

(Authority: 20 U.S.C. 7231-7231j)

### **§ 280.4 What definitions apply to this program?**

(a) *Definitions in EDGAR.* The following terms used in this part are defined in 34 CFR part 77:

Applicant

Application

Budget

EDGAR

Elementary school

Equipment

Facilities

Fiscal year

Local educational agency

Project

Secondary school

Secretary

State

(b) *Definitions that apply to this program.*

The following definitions also apply to this part:

*Act* means the Elementary and Secondary Education Act of 1965 as amended by title V, Part C of the No Child Left Behind Act of 2001, Pub.L. 107-110. (20 U.S.C. 7231-7231j)

*Desegregation*, in reference to a plan, means a plan for the reassignment of children or faculty to remedy the illegal separation of minority group children or faculty in the schools of an LEA or a plan for the reduction, elimination, or prevention of minority group isolation in one or more of the schools of an LEA.

*Feeder school* means a school from which students are drawn to attend a magnet school.

*Magnet school* means a public elementary, public secondary school, public elementary education center or public secondary education center that offers a special curriculum capable of attracting substantial numbers of students of different racial backgrounds.

*Minority group* means the following:

(1) *American Indian or Alaskan Native.* A person having origins in any of the original peoples of North America, and who maintains cultural identification through tribal affiliation or community recognition.

(2) *Asian or Pacific Islander.* A person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands. This area includes, for example, China, India, Japan, Korea, the Philippine Islands, and Samoa.

(3) *Black (Not of Hispanic Origin).* A person having origins in any of the black racial groups of Africa.

(4) *Hispanic.* A person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.

*Minority group isolation*, in reference to a school, means a condition in which minority group children constitute more than 50 percent of the enrollment of the school.

*Special curriculum* means a course of study embracing subject matter or a teaching methodology that is not generally offered to students of the same age or grade level in the same LEA or consortium of LEAs, as the students to whom the special curriculum is offered in the magnet schools. This term does not include:

- (1) A course of study or a part of a course of study designed solely to provide basic educational services to handicapped students or to students of limited English-speaking ability;
- (2) A course of study or a part of a course of study in which any student is unable to participate because of his or her limited English-speaking ability;
- (3) A course of study or a part of a course of study in which any student is unable to participate because of his or her limited financial resources; or
- (4) A course of study or a part of a course of study that fails to provide for a participating student's meeting the requirements for completion of elementary or secondary education in the same period as other students enrolled in the applicant's schools.

(Authority: 20 U.S.C. 7231-7231j)

### **Subpart B—What Types of Projects Does the Secretary Assist Under This Program?**

#### **§280.10 What types of projects does the Secretary assist?**

(a) The Secretary funds applications proposing projects in magnet schools that are part of an approved desegregation plan and that are designed to bring students from different social, economic, ethnic, and racial backgrounds together.

(b) For the purposes of this part, an approved desegregation plan is a desegregation plan described in § 280.2 (a) or (b).

(c) In the case of a desegregation plan described in § 280.2(a)(1), any modification to that plan must be approved by the court, agency, or official that approved the plan.

(Authority: 20 U.S.C. 7231-7231j)

### **Subpart C—How Does One Apply for a Grant?**

#### **§ 280.20 How does one apply for a grant?**

(a) Each eligible LEA or consortium of LEAs that desires to receive assistance under this part shall submit an annual application to the Secretary.

(b) In its application, the LEA or consortium of LEAs shall provide assurances that it—

- (1) Will use funds made available under this part for the purposes specified in section 5301(b) of the Act;
- (2) Will employ highly qualified teachers in the courses of instruction assisted under this part;
- (3) Will not engage in discrimination based upon race, religion, color, national origin, sex, or disability in the hiring, promotion, or assignment of employees of the agency or other personnel for whom the agency has any administrative responsibility;
- (4) Will not engage in discrimination based upon race, religion, color, national origin, sex, or disability in the assignment of students to schools or to courses of instruction within schools of the agency, except to carry out the approved desegregation plan;
- (5) Will not engage in discrimination based upon race, religion, color, national origin, sex, or disability in designing or operating extracurricular activities for students;
- (6) Will carry out a high-quality education program that will encourage greater parental decisionmaking and involvement; and
- (7) Will give students residing in the local attendance area of the proposed magnet school program equitable consideration for placement in the program, consistent with desegregation guidelines and the capacity of the applicant to accommodate students.

(c) In addition to the assurances listed in paragraph (b) of this section, the LEA or consortium of LEAs shall provide such other assurances as the Secretary determines necessary to carry out the provisions of this part.

(d) Upon request, the LEA or consortium of LEAs shall submit any information that is necessary for the Assistant Secretary for Civil Rights to determine whether the assurances required in paragraphs (b) (3), (4), and (5) of this section will be met.

(e) An LEA or consortium of LEAs that has an approved desegregation plan shall submit each of the following with its application:

(1) A copy of the plan.

(2) An assurance that the plan is being implemented as approved.

(f) An LEA or consortium of LEAs that does not have an approved desegregation plan shall submit each of the following with its application:

(1) A copy of the plan the LEA or consortium of LEAs is submitting for approval.

(2) A copy of a school board resolution or other evidence of final official action adopting and implementing the plan, or agreeing to adopt and implement it upon the award of assistance under this part.

(3) Evidence that the plan is a desegregation plan as defined in § 280.4(b).

(4) For an LEA or consortium of LEAs that seeks assistance for existing magnet schools—

(i) Enrollment numbers and percentages, for minority and non-minority group students, for each magnet school for which funding is sought and each feeder school—

(A) For the school year prior to the creation of each magnet school;

(B) For the school year in which the application is submitted; and

(C) For each of the school years of the proposed grant cycle (i.e., projected enrollment figures); and

(ii) Districtwide enrollment numbers and percentages for minority group students in the LEA's or consortium of LEAs' schools, for grade levels involved in the applicant's magnet schools (e.g., K-6, 7-9, 10-12)—

(A) For the school year prior to the creation of each magnet school;

(B) For the school year in which the application is submitted; and

(C) For each of the school years of the proposed grant cycle (i.e., projected enrollment figures).

(5) For an LEA or consortium of LEAs that seeks assistance for new magnet schools—

(i) Enrollment numbers and percentages, for minority and non-minority group students, for each magnet school for which funding is sought and for each feeder school—

(A) For the school year in which the application is submitted; and

(B) For each of the school years of the proposed grant cycle (i.e., projected enrollment figures); and

(ii) Districtwide numbers and percentages of minority group students in the LEA's or consortium of LEAs' schools, for the grade levels involved in the applicant's magnet schools (e.g., K-6, 7-9, 10-12)—

(A) For the school year in which the application is submitted; and

(B) For each of the school years of the proposed grant cycle (i.e., projected enrollment figures).

(g) An applicant that does not have an approved desegregation plan, and demonstrates that it cannot provide some portion of the information requested under paragraphs (f)(4) and (5) of this section, may provide other information (in lieu of that portion of the information not provided in response to paragraphs (f)(4) and (5) of this section) to demonstrate that the creation or operation of its proposed magnet school would reduce, eliminate, or prevent minority group isolation in the applicant's schools and would not result in an increase of minority student isolation at one of the applicant's schools above the district-wide percentage for minority students at the same grade levels as those served in the magnet school.

(h) After reviewing the information provided in response to paragraph (f)(4) or (5) of this section, or as provided under paragraph (g) of this section, the

Secretary may request other information, if necessary (e.g., demographic data concerning the attendance areas in which the magnet schools are or will be located), to determine whether to approve an LEA's or consortium of LEAs' plan.

(i) In addition to including the assurances required by this section, an LEA or consortium of LEAs shall describe in its application—



- (1) How the applicant will use assistance made available under this part to promote desegregation, including how the proposed magnet school program will increase interaction among students of different social, economic, ethnic, and racial backgrounds;
- (2) How and to what extent the assistance will increase student academic achievement in instructional areas offered;
- (3) How the LEA or consortium of LEAs will continue the magnet schools project after assistance under this part is no longer available, including, if applicable, why magnet schools previously established or support with Magnet Schools Assistance Program grant funds cannot be continued without the use of funds under this part.
- (4) How assistance will be used to—
  - (i) improve student academic achievement for all students attending the magnet school programs; and
  - (ii) implement services and activities that are consistent with other statutes, as appropriate; and
- (5) What criteria will be used in selecting students to attend the proposed magnet schools program.

**(Approved by the Office of Management and Budget under control number 1855-0011)**

(Authority: 20 U.S.C. 7231d)

#### **Subpart D—How Does the Secretary Make a Grant?**

##### **§ 280.30 How does the Secretary evaluate an application?**

- (a) The Secretary evaluates an application submitted under this part on the basis of the criteria in § 280.31 and the priority factors in § 280.32.
  - (b) The Secretary awards up to 100 points for the extent to which an application meets the criteria described in § 280.31. The maximum possible points for each complete criterion are indicated in parentheses after the heading for that criterion.
  - (c) The Secretary then awards up to 30 additional points based upon the priority factors in § 280.32.
- (Authority: 20 U.S.C. 7231-7231j)

##### **§ 280.31 What selection criteria does the Secretary use?**

The Secretary uses the following selection criteria in evaluating each application:

- (a) *Plan of operation.* (25 points)
  - (1) The Secretary reviews each application to determine the quality of the plan of operation for the project.
  - (2) The Secretary determines the extent to which the applicant demonstrates—
    - (i) The effectiveness of its management plan to ensure proper and efficient administration of the project;
    - (ii) The effectiveness of its plan to attain specific outcomes that—
      - (A) Will accomplish the purposes of the program;
      - (B) Are attainable within the project period;
      - (C) Are measurable and quantifiable; and
      - (D) For multi-year projects, can be used to determine the project's progress in meeting its intended out-comes;
    - (iii) The effectiveness of its plan for utilizing its resources and personnel to achieve the objectives of the project, including how well it utilizes key personnel to complete tasks and achieve the objectives of the project;
    - (iv) How it will ensure equal access and treatment for eligible project participants who have been traditionally underrepresented in courses or activities offered as part of the magnet school, e.g., women and girls in mathematics, science or technology courses, and disabled students; and
    - (v) The effectiveness of its plan to recruit students from different social, economic, ethnic, and racial backgrounds into the magnet schools.

- (b) *Quality of personnel.* (10 points)
- (1) The Secretary reviews each application to determine the qualifications of the personnel the applicant plans to use on the project.
  - (2) The Secretary determines the extent to which—
    - (i) The project director (if one is used) is qualified to manage the project;
    - (ii) Other key personnel are qualified to manage the project;
    - (iii) Teachers who will provide instruction in participating magnet schools are qualified to implement the special curriculum of the magnet schools; and
    - (iv) The applicant, as part of its non-discriminatory employment practices will ensure that its personnel are selected for employment without regard to race, religion, color, national origin, sex, age, or disability.
  - (3) To determine personnel qualifications the Secretary considers experience and training in fields related to the objectives of the project, including the key personnel's knowledge of and experience in curriculum development and desegregation strategies.
- (c) *Quality of project design.* (35 points)
- (1) The Secretary reviews each application to determine the quality of the project design.
  - (2) The Secretary determines the extent to which each magnet school for which funding is sought will—
    - (i) Foster interaction among students of different social, economic, ethnic, and racial backgrounds in classroom activities, extracurricular activities, or other activities in the magnet schools (or, if appropriate, in the schools in which the magnet school programs operate);
    - (ii) Address the educational needs of the students who will be enrolled in the magnet schools;
    - (iii) Carry out a high quality educational program that will substantially strengthen students' reading skills or knowledge of mathematics, science, history, geography, English, foreign languages, art, music, or to improving vocational, technological, and professional skills;
    - (iv) Encourage greater parental decisionmaking and involvement; and
    - (v) Improve the racial balance of students in the applicant's schools by reducing, eliminating, or preventing minority group isolation in its schools.
- (d) *Budget and resources.* (5 points) The Secretary reviews each application to determine the adequacy of the resources and the cost-effectiveness of the budget for the project, including—
- (1) The adequacy of the facilities that the applicant plans to use;
  - (2) The adequacy of the equipment and supplies that the applicant plans to use; and
  - (3) The adequacy and reasonableness of the budget for the project in relation to the objectives of the project.
- (e) *Evaluation plan.* (15 points) The Secretary determines the extent to which the evaluation plan for the project—
- (1) Includes methods that are appropriate for the project;
  - (2) Will determine how successful the project is in meeting its intended out-comes, including its goals for desegregating its students and increasing student achievement; and
  - (3) Includes methods that are objective and that will produce data that are quantifiable.
- (f) *Commitment and capacity.* (10 points)
- (1) The Secretary reviews each application to determine whether the applicant is likely to continue the magnet school activities after assistance under this part is no longer available.
  - (2) The Secretary determines the extent to which the applicant—
    - (i) Is committed to the magnet schools project; and
    - (ii) Has identified other resources to continue support for the magnet school activities when assistance under this program is no longer available.

(Approved by the Office of Management and Budget under control number 1855-0011)  
(Authority: 20 U.S.C. 7231-7231j)

#### **§ 280.32 How is priority given to applicants?**

(a) *How priority is given.* In addition to the points awarded under § 280.31, the Secretary gives priority to the factors listed in paragraphs (b) through (d) of this section by awarding additional points for these factors. The Secretary indicates in the application notice published in the FEDERAL REGISTER how these additional points will be distributed.

(b) *Need for assistance.* The Secretary evaluates the applicant's need for assistance under this part, by considering—

- (1) The costs of fully implementing the magnet schools project as proposed;
- (2) The resources available to the applicant to carry out the project if funds under the program were not provided;
- (3) The extent to which the costs of the project exceed the applicant's resources; and
- (4) The difficulty of effectively carrying out the approved plan and the project for which assistance is sought, including consideration of how the design of the magnet school project—e.g., the type of program proposed, the location of the magnet school within the LEA—impacts on the applicant's ability to successfully carry out the approved plan.

(c) *New or revised magnet schools projects.* The Secretary determines the extent to which the applicant proposes to carry out new magnet schools projects or significantly revise existing magnet schools projects.

(d) *Selection of students.* The Secretary determines the extent to which the applicant proposes to select students to attend magnet schools by methods such as lottery, rather than through academic examination.

(Authority: 20 U.S.C. 7231e)

#### **§ 280.33 How does the Secretary select applications for new grants with funds appropriated in excess of \$75 million?**

(a) In selecting among applicants for funds appropriated for this program in excess of \$75 million, the Secretary first identifies those remaining applicants that did not receive funds under this program in the last fiscal year of the previous funding cycle.

(b) The Secretary then awards ten additional points to each applicant identified under paragraph (a) of this section.

(Authority: 20 U.S.C. 7231j)

#### **Subpart E—What Conditions Must Be Met by a Grantee?**

##### **§ 280.40 What costs are allowable?**

An LEA or consortium of LEAs may use funds received under this part for the following activities:

(a) Planning and promotional activities directly related to the development, expansion, continuation, or enhancement of academic programs and services offered at magnet schools, though planning activities are subject to the restrictions in § 280.41(a) and do not include activities described under paragraph (f) of this section.

(b) The acquisition of books, materials, and equipment (including computers) and the maintenance and operation of materials, equipment and computers. Any books, materials or equipment purchased with grant funds must be:

- (1) Necessary for the conduct of programs in magnet schools; and
- (2) Directly related to improving student academic achievement based on the State's challenging academic content standards and student academic achievement standards or directly related to improving student reading skills or knowledge of mathematics, science, history, geography, English, foreign languages, art, or music, or to improving vocational, technological, or professional skills.

(c) The payment or subsidization of the compensation of elementary and secondary school teachers:

- (1) Who are highly qualified;
- (2) Who are necessary to conduct programs in magnet schools; and
- (3) Whose employment is directly related to improving student academic achievement based on the State's challenging academic content standards and student academic achievement standards or directly related to improving student reading skills or knowledge of mathematics, science,

history, geography, English, foreign languages, art, or music, or to improving vocational, technological, or professional skills.

(d) The payment or subsidization of the compensation of instructional staff, where applicable, who satisfy the requirements of paragraphs (c)(2) and (3) of this section.

(e) With respect to a magnet school program offered to less than the entire school population, for instructional activities that—

(1) Are designed to make available the special curriculum of the magnet school program to students enrolled in the school, but not in the magnet school program; and

(2) Further the purposes of the program.

(f) Activities, which may include professional development, that will build the recipient's capacity to operate magnet school programs once the grant period has ended.

(g) Activities to enable the LEA or consortium of LEAs to have more flexibility in the administration of a magnet school program in order to serve students attending a school who are not enrolled in a magnet school program.

(h) Activities to enable the LEA or consortium of LEAs to have flexibility in designing magnet schools for students in all grades.

(Authority: 20 U.S.C. 7231f)

#### **§ 280.41 What are the limitations on allowable costs?**

An LEA or consortium of LEAs that receives assistance under this part may not—

(a) Expend for planning more than 50 percent of the funds received for the first fiscal year, and 15 percent of the funds received for the second or third fiscal year;

(b) Use funds for transportation; or

(c) Use funds for any activity that does not augment academic improvement.

(Authority: 20 U.S.C. 7231g, 7231h(b))

4000-01-U

DEPARTMENT OF EDUCATION

34 CFR Part 280

RIN 1855-AA01

Magnet Schools Assistance Program

AGENCY: Office of Innovation and Improvement, Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary amends the Magnet Schools Assistance Program (MSAP) regulations to reflect changes made to the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the No Child Left Behind Act of 2001 (NCLB).

DATES: These regulations are effective (INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER).

FOR FURTHER INFORMATION CONTACT: Steven L. Brockhouse, U.S. Department of Education, 400 Maryland Avenue, SW., room 3E122, Washington, DC 20202-6140.

Telephone: (202) 260-2476 or via Internet:

[steve.brockhouse@ed.gov](mailto:steve.brockhouse@ed.gov)

If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1-800-877-8339.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed under FOR FURTHER INFORMATION CONTACT.

SUPPLEMENTARY INFORMATION: These regulations implement changes to the MSAP made by the NCLB (Pub. L. 107-110), enacted January 8, 2002. The changes align the regulations for the MSAP with the changes made to the program when the MSAP was reauthorized as part of the NCLB.

To reflect revisions to the MSAP's purposes made by section 5301(b) of the ESEA, in these final regulations, we make several changes to §280.1 regarding the purpose of the MSAP. First, in §280.1(a), (b) and (c), we clarify the purpose of the MSAP. We also add two new paragraphs, §280.1(e) and (f), regarding the purpose of the MSAP. These two paragraphs reflect the addition of support for efforts to improve local educational agencies' (LEAs') capacity to continue magnet programs at a high performance level after Federal funding ends and for efforts to ensure that all students enrolled in magnet schools have equitable access to high quality education.

In accordance with section 5305(b) of the ESEA, we are making several changes to §280.20. Specifically, we revise the assurance in §280.20(b)(2) regarding teacher qualifications and clarify requirements in §280.20(i) concerning student academic achievement. In §280.20(b)(2), we change the assurance related to teachers who would be employed, from State-certified or licensed teachers, to teachers who are highly qualified in the courses of instruction assisted under a grant. Section 280.20(i)(4)(i) adds a requirement that an application must include a description of how student academic achievement will be improved for all students attending the magnet schools included in a project.

Based on the language in section 5307(b) of the ESEA that describes the subject areas and types of skills that may be addressed using MSAP funds, we are making only one adjustment to the selection criteria in §280.31. In the "Project design" criterion, we have changed §280.31(c)(2)(iii) to add "technological" and "professional" skills to the existing list of subjects and skills that may be addressed in a magnet program.

Section 5306 of the ESEA includes only three priorities--addressing need for assistance, new or revised magnet schools, and selection of students. We remove from §280.32 two other priorities--one addressing innovative approaches and systemic reform (§280.32(e)) and one addressing collaborative efforts (§280.32(f)).

Consistent with section 5307(a) and (b) of the ESEA, we are making several changes to §280.40. In §280.40(a), we clarify that professional development costs are not considered planning costs that are subject to the restrictions in §280.41(a). Further, both §280.40(b) and (c) clarify that funds used for books, materials, equipment, and teachers must be directly related to improving student academic achievement based on the State's challenging academic content standards and student achievement standards. Additionally, we amend §280.40 by adding three new paragraphs, §280.40(f) through (h). These paragraphs specifically authorize activities to build capacity to operate the magnet programs after the grant ends, enable magnet schools to serve students who enrolled in the school but not in the magnet program at the school, and permit flexibility in designing magnet schools.

Finally, in accordance with section 5309(b) of the ESEA, we revise §280.41 to adjust the amount of funds that may be used for planning in each year of a project and remove the prohibition against the use of funds for planning after the third year that had been in §280.41(d).

#### Executive Order 12866

##### Potential costs and benefits

Under Executive Order 12866, we have assessed the potential costs and benefits of this regulatory action.

The potential costs associated with the regulations are those resulting from statutory requirements and those we have determined to be necessary for administering this program effectively and efficiently.

In assessing the potential costs and benefits--both quantitative and qualitative--of this regulatory action, we have determined that the benefits justify the costs.

We have also determined that this regulatory action does not unduly interfere with State, local, and tribal governments in the exercise of their governmental functions.

##### Summary of potential costs and benefits

Because the Secretary has chosen to regulate only to the extent necessary to reflect changes made to the ESEA, as amended by the NCLB, LEAs have considerable flexibility in implementing the provisions of the MSAP. Consequently, the potential costs associated with the regulations are minimal. Benefits of the regulations include the addition of new uses of funds that provide LEAs greater latitude in the design of projects, the removal of restrictions on the amount of funds that may be used for professional development, greater flexibility in the use of funds for planning activities, and elimination of obsolete priorities.

##### Waiver of Proposed Rulemaking

Under the Administrative Procedure Act (5 U.S.C. 553) the Department generally offers interested parties the opportunity to comment on proposed regulations.

However, these regulations merely reflect statutory changes to the ESEA and remove obsolete regulatory provisions. The changes do not establish or affect substantive policy. Therefore, under 5 U.S.C. 553(b)(B) the Secretary has determined that proposed regulations are unnecessary and contrary to the public interest.

##### Regulatory Flexibility Act Certification

The Secretary certifies that these regulations will not have a significant economic impact on a substantial number of small entities. The small entities that are affected by

these regulations are small local educational agencies (LEAs) receiving Federal funds under this program. However, the regulations will not have a significant economic impact on the small LEAs affected because the regulations do not impose excessive regulatory burdens or require unnecessary Federal supervision. The regulations impose minimal requirements to ensure the proper expenditure of program funds.

# Paperwork Reduction Act of 1995

The Paperwork Reduction Act of 1995 does not require you to respond to a collection of information unless it displays a valid OMB control number. We display the valid OMB control number assigned to the collection of information in these final regulations at the end of the affected sections of the regulations.

## Intergovernmental Review

This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

This document provides early notification of our specific plans and actions for this program.

### Assessment of Educational Impact

Based on our own review, we have determined that these regulations do not require transmission of information that any other agency or authority of the United States gathers or makes available.

## Electronic Access to This Document

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You may also view this document in PDF at the following site:

<http://www.ed.gov/programs/magnet/index.html>

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<http://www.gpoaccess.gov/nara/index.html>

(Catalog of Federal Domestic Assistance Number 84.165A Magnet Schools Assistance Program.)

The Secretary has delegated authority to the Deputy Under Secretary for Innovation and Improvement to issue these amendments to 34 CFR Chapter II.

# List of Subjects in 34 CFR Part 280

Civil rights, Desegregation, Education, Elementary and secondary education, Grant programs—education, Magnet schools, Reporting and recordkeeping requirements.

Dated:

[illegible]

Nina Shokrai Rees,  
Deputy Under Secretary for  
Innovation and Improvement.

For the reasons discussed in the preamble, the Secretary amends part 280 of title 34 of the Code of Federal Regulations as follows:

**PART 280 – MAGNET SCHOOLS ASSISTANCE PROGRAM**

1. The authority citation for part 280 is revised to read as follows:

AUTHORITY: 20 U.S.C. 7231-7231j, unless otherwise noted.

2. Section 280.1 is amended by:

A. In the introductory text, removing the punctuation “;” and adding, in its place, the punctuation “--”.

B. In paragraph (a), adding the words “, which shall include assisting in the efforts of the United States to achieve voluntary desegregation in public schools” before the punctuation “;”.

C. Revising paragraphs (b) and (c).

D. In paragraph (d), removing the word “grasp” and adding, in its place, the word “attainment”; adding the words “, technological, and professional” after the word “vocational”; and removing the period at the end of the paragraph and adding, in its place, the punctuation “;”.

E. Adding new paragraphs (e) and (f).

F. Revising the authority citation following paragraph (f).

The revisions and additions read as follows:

**§280.1 What is the Magnet Schools Assistance Program?**

\*\*\*\*\*

(b) The development and implementation of magnet school projects that will assist LEAs in achieving systemic reforms and providing all students the opportunity to meet challenging State academic content standards and student academic achievement standards;

(c) The development and design of innovative educational methods and practices that promote diversity and increase choices in public elementary schools and public secondary schools and public educational programs;

\*\*\*\*\*

(e) Improvement of the capacity of LEAs, including through professional development, to continue operating magnet schools at a high performance level after Federal funding for the magnet schools is terminated; and

(f) Ensuring that all students enrolled in the magnet school programs have equitable access to high quality education that will enable the students to succeed academically and continue with postsecondary education or productive employment.

(Authority: 20 U.S.C. 7231)

3. Section 280.2 is amended by revising the authority citation following paragraph (b) to read as follows:

**§280.2 Who is eligible to apply for a grant?**

\*\*\*\*\*

(Authority: 20 U.S.C. 7231c)

4. Section 280.3 is amended by:

A. In paragraph (a), removing the words “except that §75.253(c) (relating to reducing a subsequent year’s award by the amount remaining available from the grantee’s current award) does not apply to this program,”; and by removing the words “(Uniform Administrative Requirements for State and Local Governments)” and adding, in their place, the words “(Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments)”.

B. Revising the authority citation following paragraph (b) to read as follows:



§280.3 What regulations apply to this program?

\*\*\*\*\*

(Authority: 20 U.S.C. 7231-7231j)

5. Section 280.4 is amended by:

- A. In paragraph (a), removing the words “Award”, “Grant”, and “Supplies”.
- B. In paragraph (b), revising the definitions of “Act” and “Magnet School”.
- C. Revising the authority citation following paragraph (b).

The revisions read as follows:

§280.4 What definitions apply to this program?

\*\*\*\*\*

(b) \*\*\*

Act means the Elementary and Secondary Education Act of 1965 as amended by title V, Part C of the No Child Left Behind Act of 2001, Pub. L. 107-110 (20 U.S.C. 7231-7231j).

\*\*\*\*\*

Magnet school means a public elementary school, public secondary school, public elementary education center, or public secondary education center that offers a special curriculum capable of attracting substantial numbers of students of different racial backgrounds.

\*\*\*\*\*

(Authority: 20 U.S.C. 7231-7231j)

6. Section 280.20 is amended by:

A. In paragraph (b)(1), removing the figure “5102” and adding, in its place, the figure “5301(b)”.

B. In paragraph (b)(2), adding the words “highly qualified” after the word “employ” and removing the words “who are certified or licensed by the State to teach, or supervise others who are teaching, the subject matter of the courses of instruction”.

C. In paragraph (b)(7), removing the first occurrence of the word “projects” and adding, in its place, the word “program”; and removing the words “those projects”, and adding, in their place, the words “the program, consistent with desegregation guidelines and the capacity of the applicant to accommodate students”.

D. In paragraph (i)(1), removing the word “project” and adding, in its place, the word “programs”.

E. In paragraph (i)(2), adding the word “academic” after the word “student”.

F. Revising paragraphs (i)(3) and (i)(4).

G. In paragraph (i)(5), removing the word “projects” and adding, in its place, the word “program”.

H. Revising the OMB parenthetical and authority citation following paragraph (i).

The revisions read as follows:

§280.20 How does one apply for a grant?

\*\*\*\*\*

(i) \*\*\*

(3) How the LEA or consortium of LEAs will continue the magnet schools program after assistance under this part is no longer available, including, if applicable, why magnet schools previously established or supported with Magnet Schools Assistance Program grant funds cannot be continued without the use of funds under this part;

(4) How assistance will be used to--

- (i) Improve student academic achievement for all students attending the magnet school programs; and
- (ii) Implement services and activities that are consistent with other programs under the Act and other statutes, as appropriate; and

\*\*\*\*\*

(Approved by the Office of Management and Budget under control number 1855-0011)

(Authority: 20 U.S.C. 7231d)

7. Section 280.30 is amended by:

A. In paragraph (c), removing the figure “45” and adding, in its place, the figure “30”.

B. Revising the authority citation following paragraph (c) to read as follows:

§280.30 How does the Secretary evaluate an application?

\*\*\*\*\*

(Authority: 20 U.S.C. 7231-7231j)

8. Section 280.31 is amended by:

A. In paragraph (c)(2)(iii), adding the words “to improving” after the second occurrence of the word “or” and adding the words “, technological, and professional” after the word “vocational”.

B. Revising the OMB approval parenthetical and authority citation following paragraph (f) to read as follows:

§280.31 What selection criteria does the Secretary use?

\*\*\*\*\*

(Approved by the Office of Management and Budget under control number 1855-0011)

(Authority: 20 U.S.C. 7231-7231j)

9. Section 280.32 is amended by:

A. In paragraph (a), removing the words “through (f)” and adding, in their place, the words “through (d)”.

B. Removing paragraphs (e) and (f).

C. Revising the authority citation following paragraph (d) to read as follows:

§280.32 How is priority given to applicants?

\*\*\*\*\*

(Authority: 20 U.S.C. 7231e)

10. Section 280.33 is amended by revising the authority citation following paragraph (b) to read as follows:

§280.33 How does the Secretary select applications for new grants with funds appropriated in excess of \$75 million?

\*\*\*\*\*

(Authority: 20 U.S.C. 7231j)

11. Section 280.40 is amended by:

A. In paragraph (a), removing the words “and (d)” and adding, in their place, the words “and do not include activities described under paragraph (f) of this section”.

B. In the introductory text of paragraph (b), removing the word “thereof” and adding, in its place, the words “of materials, equipment and computers”.

C. In paragraph (b)(2), removing the word “the” and adding, in its place, the words “student academic achievement based on the State’s challenging academic content standards and student academic achievement standards or directly related to improving student”; and adding the words “, technological, or professional” after the word “vocational”.

D. In paragraph (c)(1), removing the words “certified or licensed by the State” and adding, in their place, the words “highly qualified”.

E. In paragraph (c)(3), removing the word “the” and adding, in its place, the words “student academic achievement based on the State’s challenging academic content standards and student academic achievement standards or directly related to improving student”; and adding the words “, technological, or professional” after the word “vocational”.

F. Adding new paragraphs (f), (g), and (h).

G. Revising the authority citation following paragraph (h).

The additions and revision read as follows:

§280.40 What costs are allowable?

\*\*\*\*\*

(f) Activities, which may include professional development, that will build the recipient’s capacity to operate magnet school programs once the grant period has ended.

(g) Activities to enable the LEA or consortium of LEAs to have more flexibility in the administration of a magnet school program in order to serve students attending a school who are not enrolled in a magnet school program.

(h) Activities to enable the LEA or consortium of LEAs to have flexibility in designing magnet schools for students in all grades.

(Authority: 20 U.S.C. 7231f)

12. Section 280.41 is amended by:

A. Revising paragraph (a).

B. In paragraph (b), adding the word “or” after the punctuation “;”.

C. In paragraph (c), removing the word “; or” and adding, in its place, the punctuation “.”.

D. Removing paragraph (d).

E. Revising the authority citation following paragraph (c).

The revisions read as follows:

§280.41 What are the limitations on allowable costs?

\*\*\*

(a) Expend for planning more than 50 percent of the funds received for the first fiscal year, and 15 percent of the funds received for the second or the third fiscal year;

\*\*\*\*\*

(Authority: 20 U.S.C. 7231g, 7231h(b))

## TITLE V, PART C—MAGNET SCHOOLS ASSISTANCE

### SEC. 5301. FINDINGS AND PURPOSE.

(a) FINDINGS- Congress makes the following findings:

- (1) Magnet schools are a significant part of the Nation's effort to achieve voluntary desegregation in our Nation's schools.
- (2) The use of magnet schools has increased dramatically since the inception of the magnet schools assistance program under this Act, with approximately 2,000,000 students nationwide attending such schools, of whom more than 65 percent are non-white.
- (3) Magnet schools offer a wide range of distinctive programs that have served as models for school improvement efforts.
- (4) It is in the best interests of the United States--
  - (A) to continue the Federal Government's support of local educational agencies that are implementing court-ordered desegregation plans and local educational agencies that are voluntarily seeking to foster meaningful interaction among students of different racial and ethnic backgrounds, beginning at the earliest stage of such students' education;
  - (B) to ensure that all students have equitable access to a high quality education that will prepare all students to function well in a technologically oriented and a highly competitive economy comprised of people from many different racial and ethnic backgrounds; and
  - (C) to continue to desegregate and diversify schools by supporting magnet schools, recognizing that segregation exists between minority and nonminority students as well as among students of different minority groups.
- (5) Desegregation efforts through magnet school programs are a significant part of our Nation's effort to achieve voluntary desegregation in schools and help to ensure equal educational opportunities for all students.

(b) PURPOSE- The purpose of this part is to assist in the desegregation of schools served by local educational agencies by providing financial assistance to eligible local educational agencies for--

- (1) the elimination, reduction, or prevention of minority group isolation in elementary schools and secondary schools with substantial proportions of minority students, which shall include assisting in the efforts of the United States to achieve voluntary desegregation in public schools;
- (2) the development and implementation of magnet school programs that will assist local educational agencies in achieving systemic reforms and providing all students the opportunity to meet challenging State academic content standards and student academic achievement standards;
- (3) the development and design of innovative educational methods and practices that promote diversity and increase choices in public elementary schools and public secondary schools and public educational programs;
- (4) courses of instruction within magnet schools that will substantially strengthen the knowledge of academic subjects and the attainment of tangible and marketable vocational, technological, and professional skills of students attending such schools;
- (5) improving the capacity of local educational agencies, including through professional development, to continue operating magnet schools at a high performance level after Federal funding for the magnet schools is terminated; and
- (6) ensuring that all students enrolled in the magnet school programs have equitable access to high quality education that will enable the students to succeed academically and continue with postsecondary education or productive employment.

#### **SEC. 5302. DEFINITION.**

For the purpose of this part, the term 'magnet school' means a public elementary school, public secondary school, public elementary education center, or public secondary education center that offers a special curriculum capable of attracting substantial numbers of students of different racial backgrounds.

#### **SEC. 5303. PROGRAM AUTHORIZED.**

The Secretary, in accordance with this part, is authorized to award grants to eligible local educational agencies, and consortia of such agencies where appropriate, to carry out the purpose of this part for magnet schools that are--

- (1) part of an approved desegregation plan; and
- (2) designed to bring students from different social, economic, ethnic, and racial backgrounds together.

#### **SEC. 5304. ELIGIBILITY.**

A local educational agency, or consortium of such agencies where appropriate, is eligible to receive a grant under this part to carry out the purpose of this part if such agency or consortium--

- (1) is implementing a plan undertaken pursuant to a final order issued by a court of the United States, or a court of any State, or any other State agency or official of competent jurisdiction, that requires the desegregation of minority-group-segregated children or faculty in the elementary schools and secondary schools of such agency; or
- (2) without having been required to do so, has adopted and is implementing, or will, if a grant is awarded to such local educational agency, or consortium of such agencies, under this part, adopt and implement a plan that has been approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 for the desegregation of minority-group-segregated children or faculty in such schools.

#### **SEC. 5305. APPLICATIONS AND REQUIREMENTS.**

(a) APPLICATIONS- An eligible local educational agency, or consortium of such agencies, desiring to receive a grant under this part shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may reasonably require.

(b) INFORMATION AND ASSURANCES- Each application submitted under subsection (a) shall include--

(1) a description of--

(A) how a grant awarded under this part will be used to promote desegregation, including how the proposed magnet school programs will increase interaction among students of different social, economic, ethnic, and racial backgrounds;

(B) the manner and extent to which the magnet school program will increase student academic achievement in the instructional area or areas offered by the school;

(C) how the applicant will continue the magnet school program after assistance under this part is no longer available, and, if applicable, an explanation of why magnet schools established or supported by the applicant with grant funds under this part cannot be continued without the use of grant funds under this part;

(D) how grant funds under this part will be used--

(i) to improve student academic achievement for all students attending the magnet school programs; and

- (ii) to implement services and activities that are consistent with other programs under this Act, and other Acts, as appropriate; and
  - (E) the criteria to be used in selecting students to attend the proposed magnet school program; and
- (2) assurances that the applicant will--
  - (A) use grant funds under this part for the purposes specified in section 5301(b);
  - (B) employ highly qualified teachers in the courses of instruction assisted under this part;
  - (C) not engage in discrimination based on race, religion, color, national origin, sex, or disability in--
    - (i) the hiring, promotion, or assignment of employees of the applicant or other personnel for whom the applicant has any administrative responsibility;
    - (ii) the assignment of students to schools, or to courses of instruction within the schools, of such applicant, except to carry out the approved plan; and
    - (iii) designing or operating extracurricular activities for students;
  - (D) carry out a high-quality education program that will encourage greater parental decisionmaking and involvement; and
  - (E) give students residing in the local attendance area of the proposed magnet school program equitable consideration for placement in the program, consistent with desegregation guidelines and the capacity of the applicant to accommodate the students.

(c) SPECIAL RULE- No grant shall be awarded under this part unless the Assistant Secretary of Education for Civil Rights determines that the assurances described in subsection (b)(2)(C) will be met.

#### **SEC. 5306. PRIORITY.**

- In awarding grants under this part, the Secretary shall give priority to applicants that--
- (1) demonstrate the greatest need for assistance, based on the expense or difficulty of effectively carrying out approved desegregation plans and the magnet school program for which the grant is sought;
  - (2) propose to carry out new magnet school programs, or significantly revise existing magnet school programs; and
  - (3) propose to select students to attend magnet school programs by methods such as lottery, rather than through academic examination.

#### **SEC. 5307. USE OF FUNDS.**

- (a) IN GENERAL- Grant funds made available under this part may be used by an eligible local educational agency, or consortium of such agencies--
- (1) for planning and promotional activities directly related to the development, expansion, continuation, or enhancement of academic programs and services offered at magnet schools;
  - (2) for the acquisition of books, materials, and equipment, including computers and the maintenance and operation of materials, equipment, and computers, necessary to conduct programs in magnet schools;
  - (3) for the compensation, or subsidization of the compensation, of elementary school and secondary school teachers who are highly qualified, and instructional staff where applicable, who are necessary to conduct programs in magnet schools;
  - (4) with respect to a magnet school program offered to less than the entire student population of a school, for instructional activities that--

(A) are designed to make available the special curriculum that is offered by the magnet school program to students who are enrolled in the school but who are not enrolled in the magnet school program; and

(B) further the purpose of this part;

(5) for activities, which may include professional development, that will build the recipient's capacity to operate magnet school programs once the grant period has ended;

(6) to enable the local educational agency, or consortium of such agencies, to have more flexibility in the administration of a magnet school program in order to serve students attending a school who are not enrolled in a magnet school program; and

(7) to enable the local educational agency, or consortium of such agencies, to have flexibility in designing magnet schools for students in all grades.

(b) SPECIAL RULE- Grant funds under this part may be used for activities described in paragraphs (2) and (3) of subsection (a) only if the activities are directly related to improving student academic achievement based on the State's challenging academic content standards and student academic achievement standards or directly related to improving student reading skills or knowledge of mathematics, science, history, geography, English, foreign languages, art, or music, or to improving vocational, technological, and professional skills.

#### **SEC. 5308. PROHIBITION.**

Grants under this part may not be used for transportation or any activity that does not augment academic improvement.

#### **SEC. 5309. LIMITATIONS.**

(a) DURATION OF AWARDS- A grant under this part shall be awarded for a period that shall not exceed 3 fiscal years.

(b) LIMITATION ON PLANNING FUNDS- A local educational agency, or consortium of such agencies, may expend for planning (professional development shall not be considered to be planning for purposes of this subsection) not more than 50 percent of the grant funds received under this part for the first year of the program and not more than 15 percent of such funds for each of the second and third such years.

(c) AMOUNT- No local educational agency, or consortium of such agencies, awarded a grant under this part shall receive more than \$4,000,000 under this part for any 1 fiscal year.

(d) TIMING- To the extent practicable, the Secretary shall award grants for any fiscal year under this part not later than July 1 of the applicable fiscal year.

#### **SEC. 5310. EVALUATIONS.**

(a) RESERVATION- The Secretary may reserve not more than 2 percent of the funds appropriated under section 5311(a) for any fiscal year to carry out evaluations, provide technical assistance, and carry out dissemination projects with respect to magnet school programs assisted under this part.

(b) CONTENTS- Each evaluation described in subsection (a), at a minimum, shall address--

(1) how and the extent to which magnet school programs lead to educational quality and improvement;

(2) the extent to which magnet school programs enhance student access to a high quality education;

- (3) the extent to which magnet school programs lead to the elimination, reduction, or prevention of minority group isolation in elementary schools and secondary schools with substantial proportions of minority students; and
- (4) the extent to which magnet school programs differ from other school programs in terms of the organizational characteristics and resource allocations of such magnet school programs.

(c) DISSEMINATION- The Secretary shall collect and disseminate to the general public information on successful magnet school programs.

**SEC. 5311. AUTHORIZATION OF APPROPRIATIONS; RESERVATION.**

(a) AUTHORIZATION- For the purpose of carrying out this part, there are authorized to be appropriated \$125,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years.

(b) AVAILABILITY OF FUNDS FOR GRANTS TO AGENCIES NOT PREVIOUSLY ASSISTED- In any fiscal year for which the amount appropriated pursuant to subsection (a) exceeds \$75,000,000, the Secretary shall give priority in using such amounts in excess of \$75,000,000 to awarding grants to local educational agencies or consortia of such agencies that did not receive a grant under this part in the preceding fiscal year.



## **SECTION B**

### **U.S. DEPARTMENT OF EDUCATION TECHNICAL ASSISTANCE RESOURCES**

- **Get Technical Assistance from Staff in the Office of Innovation & Improvement by Telephone or E-Mail**

Steven L. Brockhouse	202-260-2476	steve.brockhouse@ed.gov
Donna Hoblit	202-205-9178	donna.hoblit@ed.gov
Richard Kress	202-260-1408	richard.kress@ed.gov
Kay Wagner	202-260-0912	kay.wagner@ed.gov

- **Get Technical Assistance from Staff in the Office for Civil Rights by Telephone or E-Mail**

Jacques Toliver	202-401-5030	jacques.toliver@ed.gov
Alexander Choi	202-205-3509	alexander.choi@ed.gov
David Leeman	202-205-9657	david.leeman@ed.gov

- **Visit the Magnet Schools Assistance Program Page on the Office of Innovation and Improvement Website for Updates and Additional Information**

<http://www.ed.gov/programs/magnet/index.html>

# **SECTION C**

## **APPLICATION CONTENTS**

- Instructions for the Preparation of the Application
- Desegregation Plan Information
- Estimated Public Reporting Burden

# INSTRUCTIONS FOR PREPARATION OF THE MAGNET SCHOOLS ASSISTANCE PROGRAM APPLICATION

Submit an original and **four** copies of the completed application.

## **Application Order**

We recommended that your completed application be organized in the following order and include the following six parts:

### **Part I: Application for Federal Assistance (Standard Form 424).**

This part of your application consists of the standard application face page on which you provide basic identifying information about the applicant and the application. Specific instructions for completing this form are located on the back of the form.

We recommend that you include your project abstract and a table of contents for all remaining application information in this part of the application.

The project abstract should not be more than two pages in length. In the abstract, include all of the following:

- The names of the magnet schools that will be participating in the project;
- A brief description of the special curricular program(s) that each of these magnet schools will implement;
- A brief description of the major objectives that the project has established; and
- A summary of the results that the project expects to achieve, especially with respect to areas addressed by the performance measures established for the MSAP.

### **Part II: Budget Form and Information (Standard Form 524).**

This part of your application contains information about the Federal funding you are requesting. You must provide complete budget information for each of the three years of the proposed project. Specific instructions for completing the budget forms and information immediately follow the form. Remember that Section C requires an itemized budget breakdown by project year and requests other explanations or comments deemed necessary.

If you address the invitational priority for rigorous evaluation, be sure to clearly identify those costs that are specifically allocable to the implementation of that evaluation.

Additionally, in providing explanations and comments, applicants should identify planning costs, which are subject to limitations under §280.41(a). Specifically, planning costs are limited to 50% of the amount awarded for the first year of the project; 15% for the second year of the project; and 15% for the third year of the project. Planning costs would include, for example, any cost incurred in the first year of a project for a magnet school that would not begin to implement its program until the second year of the project. Applicants are reminded that evaluation costs and professional development costs are not considered to be planning costs.

### **Part III: Program Narrative Addressing Need for Assistance, Expanding Capacity to Provide Choice & the MSAP Selection Criteria.**

This part of your application contains information responsive to the competitive priority in §280.32(b) addressing “Need for assistance,” the competitive priority for “Expanding capacity to provide choice” and the MSAP’s selection criteria in §280.31(a)-(f). This part of the application constitutes the portion of the application that is subject to the mandatory page limits described in the Federal Register notice inviting applications for this competition. The notice is published elsewhere in this application package.

We recommend that you address the competitive priority for Need for assistance (§280.32(b)), the competitive priority for “Expanding capacity to provide choice” and then the selection criteria in §280.31(a)-(f) in the order in which they appear in the MSAP regulations.

You will provide data needed to respond to the other two competitive priorities—Selection of students and New and revised magnet schools—in Part V of the application. The information in Part V needed to respond to these priorities is not subject to the page limits that apply to Part III of the application.

Note: If you choose to address the invitational priority for projects that propose to implement a rigorous evaluation to assess the effectiveness of particular project interventions, include information responsive to this priority in Part VI: Other Information. We expect information provided in response to this invitational priority to be substantially different from information included in the project narrative in response to the Quality of Evaluation Plan criterion (§280.31(e)). Specifically, the Quality of Evaluation Plan criterion expects applicants to describe evaluation plans that focus on how and how well the project is doing in accomplishing its stated objectives and outcomes. An evaluation plan addressing the invitational priority would, on the other hand, focus on scientifically-based evidence of the effectiveness of one or more particular interventions that are included in the project.

### **Part IV: Assurances and Certifications.**

Be certain to include all assurances and certifications, and sign each form in the appropriate place. The assurances and certifications included in this application package are:

- Magnet Schools Assistance Program Assurances
- Assurances-Non-Construction Programs
- Certifications Regarding Lobbying; Debarment; Suspension, and other Responsibility Matters; and Drug-Free Workplace Requirements
- Certification Regarding Debarment; Suspension; Ineligibility; and Voluntary Exclusion- Lower Tier Covered Transactions
- Disclosure of Lobbying Activity

### **Part V: Desegregation Plan & Other Required Information.**

This part of your application contains information related to—

- The eligibility of your school district under the Magnet Schools Assistance Program;
- Current and projected school enrollment data; and

- Information that addresses the competitive priority for New or Revised Magnet Schools (§280.32(c)); and
- Information that addresses the competitive priority for Selection of Students (§280.32(d)).

#### **Part VI: Other Information**

Include only the items listed below. Other material will not be considered.

- Response to requirements of Section 427 of GEPA;
- Resumes of key personnel identified in the project narrative in Part III of the application;
- Letters of support;
- If the application is a joint application between two or more local educational agencies to implement an inter-district magnet schools plan, a copy of the written agreement between the parties described in 34 CFR 75.128(b); and
- A description of the plans to conduct a rigorous evaluation based on the standards established in the invitational priority for evaluation (optional).

\*\*\*\*\*

No grant may be awarded unless a complete application has been received.

## Desegregation Plan Information Form

### Type of Desegregation Plan

(Check One & Attach the Appropriate Documents)

☐

A Required Plan: A plan that is (1) implemented pursuant to a final order of a court of the United States, or a court of any State, or any other state agency or official of competent jurisdiction and (2) the order requires the desegregation of minority group segregated children or faculty in the elementary and secondary schools of that agency or those agencies.

#### Attach the Following Documents

- A copy of the court or agency order that demonstrated that the magnet school(s) for which assistance is sought under the grant are a part of the approved plan.
- Note: If the applicant is implementing a previously approved plan that does not include the magnet school(s) for which assistance is requested, the plan must be modified to include the new magnet school(s). The applicant must obtain approval of the new magnet schools, or any other modification to its desegregation plan, from the court, agency or official that originally approved the plan. The date by which proof of approval of any desegregation plan modification must be submitted to the US Department of Education is identified in the closing date notice.

Any desegregation plan modification should be mailed to:

Steven L. Brockhouse  
US Department of Education  
Office of Innovation & Improvement  
400 Maryland Avenue SW, Rm 3E122  
Washington, DC 20202-5961

☐

A Voluntary Plan: A plan to reduce, eliminate or prevent minority group isolation that is being implemented (or would be implemented if assistance under the Magnet Schools Assistance Program is made available) on either a voluntary basis or as required under Title VI of the Civil Rights Act of 1964.

#### **Attach the Following Documents**

- A copy of the plan
- A copy of the school board resolution adopting and implementing the plan, or agreeing to adopt and implement the plan upon the award of assistance.

## Instructions for Enrollment Data—Page 1

### A) Enrollment Data for the Local Educational Agency (LEA)

- 1) Provide actual enrollment data as of October 1, 2003 (or the closest date to October 1, 2003 when the LEA's enrollment data was collected) for the grade levels (e.g., K-8) affected by the project that shows the enrollment of minority group and non-minority students in the LEA's schools. If the application is a joint application, provide data for the schools of each participating LEA.
- 2) Provide enrollment data for the grade levels affected by the magnet project that shows the projected number of minority group and non-minority students as of October 1, 2004 (Project Yr 1: School Yr 2004-05), October 1, 2005 (Project Yr 2: School Yr 2005-06) and October 1, 2006 (Project Yr 3: School Yr 2006-07).
- 3) If the project includes any magnet schools that are existing magnet schools (i.e., schools that already implement a magnet program whether or not the magnet school or program has been previously supported with MSAP funds), identify the school year in which the school began implementation of a magnet program. If all of the magnet schools in the project will be new magnet schools, check the box at the bottom of Table 2.

*Note: Tables #1 and 2 provide suggested formats for this data, however, applicants may provide the data in a different form if they choose to do so.*

### B) Enrollment Data for the Magnet Schools Included in the Project

- 1) Provide actual enrollment data as of October 1, 2003 (or the closest date to October 1, 2003 when the LEA's enrollment data was collected) by grade that shows the number of minority group and non-minority students enrolled in each magnet school.  
  
(Special Note: If a school has no enrollment for the 2003-04 school year, for example because it is a new school, provide an estimate of the enrollment that the school would have had for the 2003-04 school year if it had operated as a regular school, consistent with the applicant's policy for assigning students to regular non-magnet schools.)
- 2) Provide projected enrollment data by grade for each magnet school that shows the projected number of minority group and non-minority students as of October 1, 2004 (Project Yr 1: School Yr 2004-05), October 1, 2005 (Project Yr 2: School Yr 2005-06) and October 1, 2006 (Project Yr 3: School Yr 2006-07). ***Projected enrollment data should show what each magnet school's enrollment would be expected to be if the magnet program is successfully implemented.***

*Note: Table #3 provides a suggested format for the data needed for a magnet school, however, an applicant may use its own format to provide the data. A copy of the table will be needed for each magnet school included in the project.*

## Instructions for Enrollment Data—Page 2

### C) Enrollment Data for Feeder Schools

(Note: The Magnet Schools Assistance Program defines “feeder schools” as the schools from which students are drawn, that is the schools at the same grade level as the magnet school that students would have attended if they did not attend the magnet school.)

- 1) Provide actual enrollment data as of October 1, 2003 (or the closest date to October 1, 2003 when the LEA’s enrollment data was collected) for each feeder school that shows the number of minority group and non-minority students enrolled in those schools and identifies the magnet school(s) associated with each feeder school. If the application is a joint application, provide separate data for the feeder schools from each participating LEA.
- 2) Provide projected enrollment data for the feeder schools identified above that shows the projected number of minority group and non-minority students as of October 1, 2004 (Project Yr 1: the 2004-05 School Yr), October 1, 2005 (Project Yr 2: the 2005-06 School Yr) and October 1, 2006 (Project Yr 3: the 2006-07 School Yr). ***Projected enrollment data should show what enrollment of feeder schools would be expected to be if the magnet program is successfully implemented.***
- 3) If the application is a joint application, provide separate data for the schools of each participating LEA.

*Note: Table 4 provides a suggested format for this data, however, an applicant may use its own format to provide the data.*



**Table #1: Enrollment Data—LEA-Level**

Actual Enrollment—October 1, 2003 (Current School Year)						Projected Enrollment—Oct 1, 2004 (Year 1 of Project)						Projected Enrollment—Oct 1, 2005 (Year 2 of Project)						Projected Enrollment—Oct 1, 2006 (Year 3 of Project)					
<b>GRADE LEVEL</b>	Minority Student No	Minority Student Pct	Non-Minority Student No	Non-Minority Student Pct	Total Students	<b>GRADE LEVEL</b>	Minority Student No	Minority Student Pct	Non-Minority Student No	Non-Minority Student Pct	Total Students	<b>GRADE LEVEL</b>	Minority Student No	Minority Student Pct	Non-Minority Student No	Non-Minority Student Pct	Total Students	<b>GRADE LEVEL</b>	Minority Student No	Minority Student Pct	Non-Minority Student No	Non-Minority Student Pct	Total Students
K						K						K						K					
1						1						1						1					
2						2						2						2					
3						3						3						3					
4						4						4						4					
5						5						5						5					
6						6						6						6					
7						7						7						7					
8						8						8						8					
9						9						9						9					
10						10						10						10					
11						11						11						11					
12						12						12						12					
Tot						Tot						Tot						Tot					

**Table #2: Year of Implementation for Existing Magnet Schools Included in the Project**

School Name	First School Year as a Magnet School	School Name	First School Year as a Magnet School

☐ Check here if all of the magnet schools included in the project are schools that are implementing a magnet program for the first time.

# Table #3: Enrollment Data—Magnet School

## Magnet School:

Actual Enrollment as of October 1, 2003 (Current School Year)						Projected Enrollment as of October 1, 2004 (Year 1 of Project)						Projected Enrollment as of October 1, 2005 (Year 2 of Project)						Projected Enrollment as of October 1, 2006 (Year 3 of Project)					
GRADE LEVEL	Number of Minority Students	Minority Student Pct.	Number of Non- Minority Students	Non-Minority Student Pct.	Total Students	GRADE LEVEL	Number of Minority Students	Minority Student Pct.	Number of Non- Minority Students	Non-Minority Student Pct.	Total Students	GRADE LEVEL	Number of Minority Students	Minority Student Pct.	Number of Non- Minority Students	Non-Minority Student Pct.	Total Students	GRADE LEVEL	Number of Minority Students	Minority Student Pct.	Number of Non- Minority Students	Non-Minority Student Pct.	Total Students
K						K						K						K					
1						1						1						1					
2						2						2						2					
3						3						3						3					
4						4						4						4					
5						5						5						5					
6						6						6						6					
7						7						7						7					
8						8						8						8					
9						9						9						9					
10						10						10						10					
11						11						11						11					
12						12						12						12					
Tot						Tot						Tot						Tot					

- Use a separate copy of this table (or the applicants own format) for each magnet school participating in the project.
- Provide data for all students in each grade for which the school enrolls students.
- Remember, the projected data for Years 1, 2 and 3 of the project should be based on projections showing the anticipated enrollment of the magnet school if the project is successfully implemented.

**Table 4: Enrollment Data—Feeder Schools**[illegible]

- For each feeder school, identify the magnet school(s) to which the feeder school would send students. If a feeder school would send students to all magnet schools at a particular grade level (for example, Elementary Feeder School “X” would send students to all of the elementary magnet schools participating in the project, indicate “All” in the “Magnet” column associated with Elementary Feeder School “X”.
- The enrollment data projections for Years 1, 2 and 3 of the project should show what the enrollment of feeder schools would be expected to be if the magnet school or schools in the project are successfully implemented.
- Use additional sheets, if necessary.

## Table 5: Selection of Students

### Instructions:

For each magnet school included in the project:

- Indicate whether or not academic examination is used as a factor in the selection of students for the magnet school and, if so, how it is used.
- Briefly describe how students are selected (e.g., weighted lottery, first come/first served, etc.). In the description, identify the criteria that are used, if any, in selecting students and indicate how each of those criteria is used in the process.
- If the same process and use of academic criteria applies to more than one of the magnet schools included in the project, in the "Magnet School(s)" identify all of the schools for which the student selection process applies.
- Use additional sheets or space, if necessary.
- Information on the student selection processes used by other magnet schools (i.e., magnet schools that are not included in the project) is not needed.

### Magnet School(s):

Check the appropriate box:

- ☐ Academic examination is a criterion in the magnet school student selection process.
- ☐ Academic examination is not a criterion in the magnet school student selection process.

Describe the student selection process.

### Magnet School(s):

Check the appropriate box:

- ☐ Academic examination is a criterion in the magnet school student selection process.
- ☐ Academic examination is not a criterion in the magnet school student selection process.

Describe the student selection process.

**Table 6: Revised Magnet Schools****Instructions:**

For each magnet school identified in Table #2 (Existing Magnet Schools Included in the Project):

- Briefly describe the nature of the change that is being made to the magnet school program at that school (for example, expansion of program from within school program serving 50 students to whole school program serving 400 students; adding medical sciences within school to complement other within school programs and serve greater total number of students; upgrade thematic curriculum to maintain program attractiveness; replace existing magnet program, etc); and
- Explain the significance of the revision to the magnet school. Relevant information might include, for example, discussion of diminishing effectiveness of the existing program; what would be accomplished or achieved as a result of the revision to the magnet program; the expected benefits or effects that would result from implementation of the revision; the need, if appropriate, to expand from a within school program to a whole program; etc.
- If all of the schools participating in the project are new magnet schools, indicate “No Revised Magnet Schools Participating in the Project” in the first “Nature of Revision or Change to the Magnet School” box.
- Use additional sheets, if necessary.

**Magnet School:**

Nature of Revision or Change to the Magnet School:

Explanation of How or Why the Revision is Significant:

**Magnet School:**

Nature of Revision or Change to the Magnet School:

Explanation of How or Why the Revision is Significant:

## **Estimated Public Reporting Burden**

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 1855-0011, Expiration date: 1/07. The time required to complete this information collection is estimated to average 60 hours per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. If you have any comments concerning the accuracy of the time estimate[s] or suggestions for improving this form, please write to: U.S. Department of Education, Washington, D.C. 20202-4651.

If you have comments or concerns regarding the status of your individual submission of this form, write directly to: Steven L. Brockhouse, Office of Innovation and Improvement, U.S. Department of Education, 400 Maryland Avenue, SW. room 3E122, Washington D.C. 20202-6140.

## **SECTION D**

### **REQUIRED FORMS AND INFORMATION**

- Instructions ED 424 (Application for Federal Education Assistance) and Instructions
- ED Form 524 Sections A, B, and C and Instructions
- SF 424-B Non-Construction Assurances
- Magnet Schools Assistance Program Assurances
- ED 80-0013 Certifications Regarding Lobbying; Debarment, Suspension And Other Responsibility Matters; And Drug-Free Workplace Requirements
- ED 80-0014 Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transactions
- SF LLL Disclosure of Lobbying Activities
- Section 427 of GEPA

You will need to download the following [required Federal forms](#):

- ED Form 424--Application for Federal Education Assistance (Form and Instructions)
- ED Form 524--Budget Information, Non-Construction Programs
- ED Form 524--Instructions
- Standard Form 424B--Assurances, Non-Construction Programs
- ED80-0013--Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements
- ED80-0014--Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transactions
- Standard Form LLL--Disclosure of Lobbying Activities



## MAGNET SCHOOLS ASSISTANCE PROGRAM ASSURANCES

In accordance with section 5305(b)(2) of the No Child Left Behind Act, the applicant hereby assures and certifies that it will\_\_

- (A) use grant funds under this part for the purposes specified in section 5301(b);
- (B) employ highly qualified teachers in the courses of instruction assisted under this part;
- (C) not engage in discrimination based on race, religion, color, national origin, sex, or disability in the hiring, promotion, or assignment of employees of the applicant or other personnel for whom the applicant has any administrative responsibility;
- (D) not engage in discrimination based on race, religion, color, national origin, sex, or disability in the assignment of students to schools, or to courses of instruction within the schools, of such applicant, except to carry out the approved plan;
- (E) not engage in discrimination based on race, religion, color, national origin, sex, or disability in designing or operating extracurricular activities for students;
- (F) carry out a high-quality education program that will encourage greater parental decisionmaking and involvement; and
- (G) give students residing in the local attendance area of the proposed magnet school program equitable consideration for placement in the program, consistent with desegregation guidelines and the capacity of the applicant to accommodate the students.

\* \* \* \* \*

If the applicant has an approved desegregation plan\_\_

The applicant hereby assures and certifies that it is implementing that desegregation plan as approved.

\_\_\_\_\_  
Signature of Authorized  
Representative

\_\_\_\_\_  
Date

## **NOTICE TO ALL APPLICANTS**

The purpose of this enclosure is to inform you about a new provision in the Department of Education's General Education Provisions Act (GEPA) that applies to applicants for new grant awards under Department programs. This provision is Section 427 of GEPA, enacted as part of the Improving America's Schools Act of 1994 (Public Law (P.L.) 103-382).

### **To Whom Does This Provision Apply?**

Section 427 of GEPA affects applicants for new grant awards under this program.

### **ALL APPLICANTS FOR NEW AWARDS MUST INCLUDE INFORMATION IN THEIR APPLICATIONS TO ADDRESS THIS NEW PROVISION IN ORDER TO RECEIVE FUNDING UNDER THIS PROGRAM.**

(If this program is a State-formula grant program, a State needs to provide this description only for projects or activities that it carries out with funds reserved for State-level uses. In addition, local school districts or other eligible applicants that apply to the State for funding need to provide this description in their applications to the State for funding. The State would be responsible for ensuring that the school district or other local entity has submitted a sufficient section 427 statement as described below.)

### **What Does This Provision Require?**

Section 427 requires each applicant for funds (other than an individual person) to include in its application a

description of the steps the applicant proposes to take to ensure equitable access to, and participation in, its Federally-assisted program for students, teachers, and other program beneficiaries with special needs. This provision allows applicants discretion in developing the required description. The statute highlights six types of barriers that can impede equitable access or participation: gender, race, national origin, color, disability, or age. Based on local circumstances, you should determine whether these or other barriers may prevent your students, teachers, etc. from such access or participation in, the Federally-funded project or activity. The description in your application of steps to be taken to overcome these barriers need not be lengthy; you may provide a clear and succinct description of how you plan to address those barriers that are applicable to your circumstances. In addition, the information may be provided in a single narrative, or, if appropriate, may be discussed in connection with related topics in the application.

Section 427 is not intended to duplicate the requirements of civil rights statutes, but rather to ensure that, in designing their projects, applicants for Federal funds address equity concerns that may affect the ability of certain potential beneficiaries to fully participate in the project and to achieve to high standards. Consistent with program requirements and its approved application, an applicant may use the Federal funds awarded to it to eliminate barriers it identifies.

What are Examples of How an Applicant Might Satisfy the Requirement of This Provision?

The following examples may help illustrate how an applicant may comply with Section 427.

(1) An applicant that proposes to carry out an adult literacy project serving, among others, adults with limited English proficiency, might describe in its application how it intends to distribute a brochure about the proposed project to such potential participants in their native language.

(2) An applicant that proposes to develop instructional materials for classroom use might describe how it

will make the materials available on audio tape or in braille for students who are blind.

(3) An applicant that proposes to carry out a model science program for secondary students and is concerned that girls may be less likely than boys to enroll in the course, might indicate how it intends to conduct "outreach" efforts to girls, to encourage their enrollment.

We recognize that many applicants may already be implementing effective steps to ensure equity of access and participation in their grant programs, and we appreciate your cooperation in responding to the requirements of this provision.

#### **Estimated Burden Statement for GEPA Requirements**

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is **1890-0007**. The time required to complete this information collection is estimated to average 1.5 hours per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. **If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to:** Director, Grants Policy and Oversight Staff, U.S. Department of Education, 400 Maryland Avenue, SW (Room 3652, GSA Regional Office Building No. 3). Washington, DC 20202-4248.

## SECTION E

### Transmittal Instructions & Checklist

- Application Checklist
- Application Transmittal Instructions

## APPLICATION CHECKLIST

Does your application include each of the following?

- ☐ A signed application face page (SF 424)
- ☐ A table of contents
- ☐ A project abstract (not more than 2 pages in length)
- ☐ Budget forms (ED Form 524)
- ☐ Itemized budget and other budget information
  - ☐ Program narrative addressing the competitive priorities for Need for assistance and Expanding capacity to provide choice, and the MSAP selection criteria [Remember, the program narrative has a mandatory page limit as described in the closing date notice!]
- ☐ Assurances and Certifications
  - ☐ Magnet Schools Assistance Program Assurances
  - ☐ Assurances\_Non-Construction Programs
  - ☐ ED 80-0013 Certifications Regarding Lobbying; Debarment; Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements
  - ☐ ED 80-0014 Certification Regarding Debarment, Suspension, Ineligibility & Voluntary Exclusion - Lower Tier Covered Transactions
  - ☐ SF LLL Disclosure of Lobbying Activity
- ☐ Desegregation plan and other required information
  - ☐ Desegregation Plan Information Form and Attachments
  - ☐ Table 1 Information—District-Level Student Enrollment Information
  - ☐ Table 2 Information—Initial Year of Implementation for Magnet Schools Proposed for Revision
  - ☐ Table 3 Information—Student Enrollment Information for Proposed Magnet Schools
  - ☐ Table 4 Information—Student Enrollment Information for Feeder Schools
  - ☐ Table 5 Information—Selection of Students Information
  - ☐ Table 6 Information—Revised Magnet Schools Information
- ☐ Other information
  - ☐ Required response to Section 427 of GEPA
  - ☐ Resumes of key personnel
  - ☐ Letters of support (optional)
  - ☐ Written agreement between parties to a joint application (if applicable)
  - ☐ Response to invitational priority for rigorous evaluation (optional)

Did You --

- ☐ Provide one (1) original plus four (4) copies of the application?
- ☐ Include all required forms with original signatures and dates?
- ☐ Submit a copy of the application to the State Single Point of Contact? [if

[ ] Mail Application To: **OR** Hand-deliver Application To:

MAGNET SCHOOLS  
ASSISTANCE PROGRAM  
ATTN: CFDA No. 84.165A  
U.S. Department of Education  
Application Control Center  
400 Maryland Avenue, SW  
Washington, DC 20202-4725

MAGNET SCHOOLS  
ASSISTANCE PROGRAM  
ATTN: CFDA No. 84.165A  
U.S. Department of Education  
Application Control Center  
7th & D Streets, SW, Room 3633  
Washington, DC 20202-4725

## **INSTRUCTIONS FOR TRANSMITTING APPLICATIONS:**

If you want to apply for a grant and be considered for funding, you must meet the following deadline requirements:

### **Applications Sent by Mail**

You must mail the original and 4 copies of the application on or before the deadline date to:

**U.S. Department of Education  
Application Control Center  
Attention: CFDA# 84.165A  
Washington, DC 20202-4725**

You must show one of the following as proof of mailing:

- (1) A legibly dated U. S. Postal Service Postmark.
- (2) A legible mail receipt with the date of mailing stamped by the U. S. Postal Service.
- (3) A dated shipping label, invoice, or receipt from a commercial carrier.
- (4) Any other proof of mailing acceptable to the Secretary.

If you mail an application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

- (1) A private metered postmark.
- (2) A mail receipt that is not dated by the U.S. Postal Services.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

**Special Note: Due to recent disruptions to normal mail delivery, the Department encourages you to consider using an alternative delivery method (for example, a commercial carrier, such as Federal Express or United Parcel Service; U. S. Postal Service Express Mail; or a courier service) to transmit your application for this competition to the Department. If you use an alternative delivery method, please obtain the appropriate proof of mailing under "Applications Sent by Mail," then follow the instructions for "Applications Delivered by Hand."**

### **Applications Delivered by Hand**

You or your courier must hand deliver the original and 4 copies requested of the application by 4:30 p.m. (Washington, DC time) on or before the deadline date.

**U.S. Department of Education  
Application Control Center  
Attention: CFDA# 84.165A  
7<sup>th</sup> and D Streets, SW  
ROB-3, Room 3671  
Washington, DC 20202-4725**

The Application Control Center accepts application deliveries daily between 8:00 a.m. and 4:30 p.m. (Washington, DC time), except Saturdays, Sundays and Federal holidays. The Center accepts application deliveries through the D Street entrance only. A person delivering an application must show identification to enter the building.

# **SECTION F**

## **OTHER IMPORTANT INFORMATION & INSTRUCTIONS**

- Executive Order 12372
- State Single Points of Contact
- Important Notice to Prospective Participants in U.S. Department of Education Contract and Grants Programs





## Appendix

### Intergovernmental Review of Federal Programs

This appendix applies to each program that is subject to the requirements of Executive Order 12372 (Intergovernmental Review of Federal Programs) and the regulations in 34 CFR part 79.

The objective of the Executive order is to foster an intergovernmental partnership and to strengthen federalism by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance.

Applicants must contact the appropriate State Single Point of Contact to find out about, and to comply with, the State's process under Executive Order 12372. Applicants proposing to perform activities in more than one State should immediately contact the Single Point of Contact for each of those States and follow the procedure established in each of those States under the Executive order. A listing containing the Single Point of Contact for each State is included in this appendix.

In States that have not established a process or chosen a program for review, State, areawide, regional, and local entities may submit comments directly to the Department.

Any State Process Recommendation and other comments submitted by a State Single Point of Contact and any comments from State, areawide, regional, and local entities must be mailed or hand-delivered by the date indicated in the actual application notice to the following address: The Secretary, EO 12372--CFDA# [commenter must insert number--including suffix letter, if any], U.S. Department of Education, room 7W301, 400 Maryland Avenue, SW., Washington, DC 20202.

Proof of mailing will be determined on the same basis as applications (see 34 CFR 75.102). Recommendations or comments may be hand-delivered until 4:30 p.m. (Washington, DC time) on the date indicated in the actual application notice.

**PLEASE NOTE THAT THE ABOVE ADDRESS IS NOT THE SAME ADDRESS AS THE ONE TO WHICH THE APPLICANT SUBMITS ITS COMPLETED APPLICATION. DO NOT SEND APPLICATIONS TO THE ABOVE ADDRESS.**

The list below, prepared by the U.S. Department of Education is an unofficial version of the State Single Point of Contact (SPOC) List published by the Office of Management and Budget (OMB). The Department has made every effort to ensure the accuracy of the information contained in this unofficial version. It reflects those changes made by OMB as of 08/15/01. The only official and up to date version of the State Single Point of Contact (SPOC) List is posted on the Grants Management section of the OMB web site: <http://www.whitehouse.gov/omb/grants/spoc.html>. You may review and/or download the Adobe pdf (portable document format) version of this document at the aforementioned site. Please include this statement in any reproduction of this unofficial list.

You are strongly encouraged to access the Intergovernmental Review (SPOC List) link to the Grants Management Information section of the OMB web page regularly in the course of completing grant applications to be submitted to your designated State Single Point of Contact (SPOC). If you do not have access to the Internet, please use the list below to contact the office or individual listed in order to confirm the State Single Point of Contact (SPOC).

### STATE SINGLE POINTS OF CONTACT (SPOCs)

It is estimated that in 2001, the Federal Government will outlay \$305.6 billion in grants to State and local governments. Executive Order 12372, "Intergovernmental Review of Federal Programs," was issued with the desire to foster the intergovernmental partnership and strengthen federalism by relying on State and local processes for the coordination and review of proposed Federal financial assistance and direct Federal development. The Order allows each State to designate an entity to perform this function. Below is the official list of those entities. For those States that have a home page for their designated entity, a direct link has been provided on the official version <http://www.whitehouse.gov/omb/grants/spoc.html>.

**States that are not listed on this page have chosen not to participate in the intergovernmental review process, and therefore do not have a SPOC. If you are located within one of these States, you may still send application material directly to a Federal awarding agency.**

Contact information for Federal agencies that award grants can be found in Appendix IV of the Catalog of Federal Domestic Assistance. [<http://www.cfda.gov/public/cat-app4-index.htm>]

<p style="text-align: center;"><b>ARKANSAS</b></p> <p>Tracy L. Copeland Manager, State Clearinghouse Office of Intergovernmental Services Department of Finance and Administration 1515 W. 7<sup>th</sup> Street, Room 412 Little Rock, Arkansas 72203 Telephone: (501) 682-1074 FAX: (501) 682-5206 <a href="mailto:tlcopeland@dfa.state.ar.us">tlcopeland@dfa.state.ar.us</a></p>	<p style="text-align: center;"><b>CALIFORNIA</b></p> <p>Grants Coordination State Clearinghouse Office of Planning and Research P.O. Box 3044, Room 222 Sacramento, California 95812-3044 Telephone: (916) 445-0613 FAX: (916) 323-3018 <a href="mailto:state.clearinghouse@opr.ca.gov">state.clearinghouse@opr.ca.gov</a></p>
<p style="text-align: center;"><b>DELAWARE</b></p> <p>Charles H. Hopkins Executive Department Office of the Budget 540 S. Dupont Highway , 3<sup>rd</sup> Floor Dover, Delaware 19901</p>	<p style="text-align: center;"><b>DISTRICT OF COLUMBIA</b></p> <p>Luisa Montero-Diaz Office of Partnerships and Grants Development Executive Office of the Mayor District of Columbia Government</p>

Telephone: (302) 739-3323 FAX: (302) 739-5661 <a href="mailto:chopkins@state.de.us">chopkins@state.de.us</a>	414 4 <sup>th</sup> Street, NW, Suite 530 South Washington, DC 20001 Telephone: (202) 727-8900 FAX: (202) 727-1652 <a href="mailto:opgd.eom@dc.gov">opgd.eom@dc.gov</a>
<b>FLORIDA</b>  Jasmin Raffington Florida State Clearinghouse Department of Community Affairs 2555 Shumard Oak Blvd. Tallahassee, Florida 32399-2100 Telephone: (850) 922-5438 FAX: (850) 414-0479 <a href="mailto:clearinghouse@dca.state.fl.us">clearinghouse@dca.state.fl.us</a>	<b>GEORGIA</b>  Georgia State Clearinghouse 270 Washington Street, SW Atlanta, Georgia 30334 Telephone: (404) 656-3855 FAX: (404) 656-7901 <a href="mailto:gach@mail.opb.state.ga.us">gach@mail.opb.state.ga.us</a>
<b>ILLINOIS</b>  Virginia Bova Department of Commerce and Community Affairs James R. Thompson Center 100 West Randolph, Suite 3-400 Chicago, Illinois 60601 Telephone: (312) 814-6028 FAX: (312) 814-8485 <a href="mailto:vbova@commerce.state.il.us">vbova@commerce.state.il.us</a>	<b>IOWA</b>  Steven R. McCann Division of Community and Rural Development Iowa Department of Economic Development 200 East Grand Avenue Des Moines, Iowa 50309 Telephone: (515) 242-4719 FAX: (515) 242-4809 <a href="mailto:steve.mccann@ided.state.ia.us">steve.mccann@ided.state.ia.us</a>
<b>KENTUCKY</b>  Ron Cook Department for Local Government 1024 Capital Center Drive, Suite 340 Frankfort, Kentucky 40601 Telephone: (502) 573-2382 FAX: (502) 573-2512 <a href="mailto:ron.cook@mail.state.ky.us">ron.cook@mail.state.ky.us</a>	<b>MAINE</b>  Joyce Benson State Planning Office 184 State Street 38 State House Station Augusta, Maine 04333 Telephone: (207) 287-3261 Telephone: (207) 287-1461 (direct) FAX: (207) 287-6489 <a href="mailto:joyce.benson@state.me.us">joyce.benson@state.me.us</a>
<b>MARYLAND</b>  Linda Janey Manager, Clearinghouse and Plan Review Unit Maryland Office of Planning 301 West Preston Street – Room 1104 Baltimore, Maryland 21201-2305 Telephone: (410) 767-4490 FAX: (410) 767-4480 <a href="mailto:linda@mail.op.state.md.us">linda@mail.op.state.md.us</a>	<b>MICHIGAN</b>  Richard Pfaff Southeast Michigan Council of Governments 535 Griswold, Suite 300 Detroit, Michigan 48226 Telephone: (313) 961-4266 FAX: (313) 961-4869 <a href="mailto:pfaff@semcoq.org">pfaff@semcoq.org</a>

<p><b>MISSISSIPPI</b></p> <p>Cathy Mallette Clearinghouse Officer Department of Finance and Administration 1301 Woolfolk Building, Suite E 501 North West Street Jackson, Mississippi 39201 Telephone: (601) 359-6762 FAX: (601) 359-6758</p>	<p><b>MISSOURI</b></p> <p>Carol Meyer Teresa Kirchhoff Federal Assistance Clearinghouse Office of Administration P.O. Box 809 Truman Building, Room 840 Jefferson City, Missouri 65102 Telephone: (573) 751-4834 FAX: (573) 522-4395 <a href="mailto:meyerc@mail.oa.state.mo.us">meyerc@mail.oa.state.mo.us</a> <a href="mailto:kirchhofft@mail.oa.state.mo.us">kirchhofft@mail.oa.state.mo.us</a></p>
<p><b>NEVADA</b></p> <p>Heather Elliott Department of Administration State Clearinghouse 209 E. Musser Street, Room 200 Carson City, Nevada 89701 Telephone: (775) 684-0209 FAX: (775) 684-0260 <a href="mailto:Helliott@govmail.state.nv.us">Helliott@govmail.state.nv.us</a></p>	<p><b>NEW HAMPSHIRE</b></p> <p>Jeffrey H. Taylor Director New Hampshire Office of State Planning Attn: Intergovernmental Review Process Mike Blake 2_ Beacon Street Concord, New Hampshire 03301 Telephone: (603) 271-2155 FAX: (603) 271-1728 <a href="mailto:Jtaylor@osp.state.nh.us">Jtaylor@osp.state.nh.us</a></p>
<p><b>NEW MEXICO</b></p> <p>Ken Hughes Local Government Division Room 201, Bataan Memorial Building Santa Fe, New Mexico 87503 Telephone: (505) 827-4370 FAX: (505) 827-4948 <a href="mailto:khughes@dfa.state.nm.us">khughes@dfa.state.nm.us</a></p>	<p><b>NORTH CAROLINA</b></p> <p>Jeanette Furney Department of Administration 1302 Mail Service Center Raleigh, North Carolina 27699-1302 Telephone: (919) 807-2323 FAX: (919) 733-9571 <a href="mailto:jeanette.furney@ncmail.net">jeanette.furney@ncmail.net</a></p>
<p><b>NORTH DAKOTA</b></p> <p>Jim Boyd Division of Community Services 600 East Boulevard Ave, Dept 105 Bismarck, North Dakota 58505-0170 Telephone: (701) 328-2094 FAX: (701) 328-2308 <a href="mailto:jboyd@state.nd.us">jboyd@state.nd.us</a></p>	<p><b>RHODE ISLAND</b></p> <p>Kevin Nelson Department of Administration Statewide Planning Program One Capitol Hill Providence Rhode Island 02908-5870 Telephone: (401) 222-2093 FAX: (401) 222-2083 <a href="mailto:knelson@doa.state.ri.us">knelson@doa.state.ri.us</a></p>

<p style="text-align: center;"><b>SOUTH CAROLINA</b></p> <p>Omeagia Burgess  Budget and Control Board  Office of State Budget  1122 Ladies Street – 12<sup>th</sup> Floor  Columbia, South Carolina 29201  Telephone: (803) 734-0494  FAX: (803) 734-0645  <a href="mailto:aburgess@budget.state.sc.us">aburgess@budget.state.sc.us</a></p>	<p style="text-align: center;"><b>TEXAS</b></p> <p>Denise S. Francis  Director, State Grants Team  Governor's Office of Budget and Planning  P.O. Box 12428  Austin, Texas 78711  Telephone: (512) 305-9415  FAX: (512) 936-2681  <a href="mailto:dfrancis@governor.state.tx.us">dfrancis@governor.state.tx.us</a></p>
<p style="text-align: center;"><b>UTAH</b></p> <p>Carolyn Wright  Utah State Clearinghouse  Governor's Office of Planning and Budget  State Capitol, Room 114  Salt Lake City, Utah 84114  Telephone: (801) 538-1535  FAX: (801) 538-1547  <a href="mailto:cwright@gov.state.ut.us">cwright@gov.state.ut.us</a></p>	<p style="text-align: center;"><b>WEST VIRGINIA</b></p> <p>Fred Cutlip, Director  Community Development Division  West Virginia Development Office  Building #6, Room 553  Charleston, West Virginia 25305  Telephone: (304) 558-4010  FAX: (304) 558-3248  <a href="mailto:fcutlip@wvdo.org">fcutlip@wvdo.org</a></p>
<p style="text-align: center;"><b>WISCONSIN</b></p> <p>Jeff Smith  Section Chief, Federal/State Relations  Wisconsin Department of Administration  101 East Wilson Street – 6<sup>th</sup> Floor  P.O. Box 7868  Madison, Wisconsin 53707  Telephone: (608) 266-0267  FAX: (608) 267-6931  <a href="mailto:jeffrey.smith@doa.state.wi.us">jeffrey.smith@doa.state.wi.us</a></p>	<p style="text-align: center;"><b>AMERICAN SAMOA</b></p> <p>Pat M. Galea'i  Federal Grants/Programs Coordinator  Office of Federal Programs  Office of the Governor/Department  of Commerce  American Samoa Government  Pago Pago, American Samoa 96799  Telephone: (684) 633-5155  Fax: (684) 633-4195  <a href="mailto:pmgaleai@samoatelco.com">pmgaleai@samoatelco.com</a></p>

<p style="text-align: center;"><b>GUAM</b></p> <p>Director Bureau of Budget and Management Research Office of the Governor P.O. Box 2950 Agana, Guam 96910 Telephone: 011-671-472-2285 FAX: 011-671-472-2825 <a href="mailto:jer@ns.gov.gu">jer@ns.gov.gu</a></p>	<p style="text-align: center;"><b>PUERTO RICO</b></p> <p>Jose Caballero / Mayra Silva Puerto Rico Planning Board Federal Proposals Review Office Minillas Government Center P.O. Box 41119 San Juan, Puerto Rico 00940-1119 Telephone: (787) 723-6190 FAX: (787) 722-6783</p>
<p style="text-align: center;"><b>NORTHERN MARIANA ISLANDS</b></p> <p>Ms. Jacoba T. Seman Federal Programs Coordinator Office of Management and Budget Office of the Governor Saipan, MP 96950 Telephone: (670) 664-2289 FAX: (670) 664-2272 <a href="mailto:omb.jseman@saipan.com">omb.jseman@saipan.com</a></p>	<p style="text-align: center;"><b>VIRGIN ISLANDS</b></p> <p>Ira Mills Director, Office of Management &amp; Budget # 41 Norre Gade Emancipation Garden Station, Second Floor Saint Thomas, Virgin Islands 00802 Telephone: (340) 774-0750 FAX: (787) 776-0069 <a href="mailto:Irmills@usvi.org">Irmills@usvi.org</a></p>

Changes to this list can be made only after OMB is notified by a State's officially designated representative. E-mail messages can be sent to [grants@omb.eop.gov](mailto:grants@omb.eop.gov). If you prefer, you may send correspondence to the following postal address:

Attn: Grants Management  
Office of Management and Budget  
New Executive Office Building, Suite 6025  
725 17<sup>th</sup> Street, NW  
Washington, DC 20503

**Please note:** Inquiries about obtaining a Federal grant should not be sent to the OMB e-mail or postal address shown above. The best source for this information is the Catalog of Federal Domestic Assistance (CFDA) [<http://www.cfda.gov/>].

**IMPORTANT NOTICE TO PROSPECTIVE PARTICIPANTS  
IN U.S. DEPARTMENT OF EDUCATION  
GRANT AND CONTRACT PROGRAMS**

**GRANTS**

Applicants for grants from the U.S. Department of Education (ED) have to compete for limited funds. Deadlines assure all applicants that they will be treated fairly and equally, without last minute haste. For these reasons, ED must set strict deadlines for grant applications. Prospective applicants can avoid disappointment if they understand that:

**Failure to meet a deadline will mean that an applicant will be rejected without any consideration.**

The rules, including the deadline, for applying for each grant are published, individually, in the Federal Register. A one-year subscription to the Register may be obtained by sending \$555.00 to: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402-9371. (Send check or money order only, no cash or stamps.) In addition, the Federal Register is available on-line for free on Government Printing Office (GPO) Access: <http://www.access.gpo.gov/nara>. Depository Library location and Federal Register services: <http://www.nara.gov/fedreg>.

The instructions in the Federal Register must be followed exactly. Do not accept any other advice you may receive. No ED employee is authorized to extend any deadline published in the Register. No ED employees are authorized to extend any deadline published in the Federal Register. Questions regarding submission of applications may be addressed to:

U.S. Department of Education  
Application Control Center  
Washington, D.C. 20202-4725

**CONTRACTS**

Competitive procurement actions undertaken by the ED are governed by the Federal Acquisition Regulations and implementing Department of Education Acquisition Regulations.

Generally, prospective competitive procurement actions are synopsisized in the Commerce Business Daily (CBD). Prospective offerors are therein advised of the nature of the procurement and where to apply for copies of the Request for Proposals (RFP). All of ED's RFP's are now available on-line for downloading at the following url: <http://www.ed.gov/offices/ocfo/contracts/currrfp.html>.

Offerors are advised to be guided solely by the contents of the CBD synopsis and the instructions contained in the RFP. Questions regarding the submission of offers should be addressed to the Contracts Specialist identified on the face page of the RFP. Offers are judged in competition with others, and failure to conform with any substantive requirements of the RFP will result in rejection of the offer without any consideration whatever.

Do not accept any advice you receive that is contrary to instructions contained in either the CBD synopsis or the RFP. No ED employee is authorized to consider a proposal which is non-responsive to the RFP. A subscription to the CBD is available for \$208.00 per year via second class mailing or \$261.00 per year via first class mailing. Information included in the Federal Acquisition Regulation is contained in Title 48, Code of Federal Regulations, Chapter 1 (\$49.00). The foregoing publication may be obtained by sending your check or money order only, no cash or stamps, to:

Superintendent of Documents  
U.S. Government Printing Office  
Washington, D.C. 20402-9371

In addition, the Commerce Business Daily is available on-line for free at the following url: <http://cbdnet.access.gpo.gov/>. The Federal Acquisition Regulations are available on-line at the following url: <http://www.arnet.gov/far/>. In an effort to be certain this important information is widely disseminated, this notice is being included in all ED mail to the public. You may therefore, receive more than one notice. If you do, we apologize for any annoyance it may cause you.